

BOARD OF SELECTMEN
MEETING MINUTES
January 5, 2010
MCAULIFFE MEETING ROOM

Present: Salvatore Giorlandino, Chairman; Bonnie Phaneuf, Bill Boland and Jean Kitchen, Town Administrator.

The Board held an Executive Session from 6:00 p.m. to 7:10 p.m. (see Minutes of Executive Session) re-entered open session at 7:10 p.m.

AON – Other Post Employment Benefits Biannual Study. A representative of Aon Consulting explained that GASB 45 treats retirement benefits as a form of deferred compensation. He gave an estimate of the Town's FY2010 estimated costs and suggestions as to how those costs could be planned for in the future.

Auditor Bill Fraher – annual audit review. Mr. Fraher stated that the audit is back on schedule, and was completed in the fall. There were no concerns cited in the management letter. Mr. Fraher went over the five year trend numbers with the Board. Mr. Giorlandino questioned the amounts in the Overlay account, the Water Enterprise Fund, School Lunch account and Cash Receipts.

Auditor contract approval. Carla McAuliffe, Town Accountant, and Brian Balantine, Finance Director, explained that the scope of the auditor's work has increased over the years and that they have been very happy with Mr. Fraher's services for all the years that he has been auditing the Town. Mr. Fraher is requesting a 3% increase in his fees for Fiscal years 2010 through 2012 and they feel that the increase is justified. Mrs. Phaneuf is opposed to any increases at this time due to serious budget cuts. Mr. Boland feels the same but could justify an increase with proof of the additional work. Mr. Giorlandino agrees with Mr. Boland. The discussion was continued to the January 26, 2010, meeting to allow Ms. McAuliffe and Mr. Balantine to get information requested by the Board.

Marlboro Road water diversion. Mr. Maffei, 128 Marlboro Road, and Mr. Stanechewski, 126 Marlboro Road, and his attorney, Mr. Dionisi, were in attendance. This is a continuation of the December 15, 2009, hearing. Atty. Dionisi stated that he needs more time to have his engineer analyze the site as he has not been able to look at it since the construction of the berm by Mr. Maffei. Karen Galligan, DPW Superintendent, would like to make her presentation and does not want to postpone as this has been ongoing since 1998. Mr. Giorlandino is amenable to postponing. Mr. Boland would like to have Ms. Galligan do her presentation, but is willing to postpone if both parties are agreeable. Aldo Cipriano, Town Counsel, advised the Board that they have the option to continue and could ask for an effort to solve the problem before the next meeting. Mrs. Phaneuf said Atty. Dionisi admitted that the water was coming from his client's property, and she hopes that the issue can be solved before the next meeting. Atty. Dionisi stated that they are trying to get to the heart of the problem and come up with a solution. The Board voted unanimously to continue the hearing on January 26, 2010, at 8:00 p.m., with the understanding that the Board may conduct an emergency hearing, if need be.

DPW Administrative position. The DPW and the Union have agreed to amend the job description so that the position can stay in the union as a Grade 3 position. Mr. Boland is concerned that they are losing a management function and is not convinced that it is a good idea. Mr. Giorlandino applauds the union and management for working out an agreement. Mrs. Phaneuf stated that she only supports the agreement because Ms. Galligan agrees with it. When asked by Mr. Boland if this was a compromise because she wanted to hire someone Ms. Galligan stated that it was, but that it accomplishes what she wants. Mrs. Phaneuf is not sure how she feels now that Ms. Galligan has said that it was a compromise, but understands the department's needs and that Ms. Galligan states that she will not be back to request to fill the Assistant Superintendent's position. The Board voted 2-1 (Mr. Boland – no) to support the job description as amended, and as agreed to by the union representatives and Labor Counsel here this evening.

Historic Commission.

- **National Register nomination of police station.** David Falconi explained that the designation recognizes the historical value of the building and would bring in more funding by way of grants. He does not believe that it would mean restoring the building to its original condition. Mr. Boland is not in favor as he does not see the value of it and does not consider the building to be as historic as presented. Mr. Boland is concerned that it encompasses the entire site, and not just the building. Mrs. Phaneuf sees no harm in supporting the request but would like ask Town Counsel if they are harming the Town if the building needs to be razed or used for other purposes. The Board voted 2–1 (Mr. Boland – no) to support the request of the Historic Commission, subject to review by Town Counsel.
- **Endorsement of RFP for architectural services for addition/renovation of police station project.** Nancy Vargas explained the changes that were made to the RFP, as recommended by Town Counsel. Mr. Boland stated that he was not in favor of spending any more on Police Station design at this time. He does not think it would be wise as it is unlikely that any proposal for a new or renovated Police Station could be seriously considered for funding for the next several years. The Board voted 2-1 (Mr. Boland – no) to support the Request For Proposals for Architectural Schematic Design Services for the Southborough Police Station Rehabilitation Schematic Design, with the changes made this evening.
- **David Hart contract – Phase 2 Arts Center.** Kate Matison explained the scope of this phase of the project. Phil Rinehart, Facilities Manager, feels that this should have gone out to bid. It was decided to postpone any decision until the January 26, 2010, meeting to allow time for Mr. Rinehart to look into it.

Discussion of regional services with other communities. Fire Chief Mauro and Police Chief Moran met with the Board. Both Chiefs have talked with the respective Fire and Police Chiefs in Ashland and Hopkinton regarding regional dispatching as there are funds available for a study. He feels that regional fire and ambulance dispatching would be easy to accomplish, and he knows of several communities that are looking to combine services. Chief Moran feels that it would be a challenge to regionalize police dispatching as her communications officers are multifunctional and only 20% of their calls are for E911. She feels that it would result in a decrease in services for the residents of Southborough. Mr. Boland feels that if grant money is available then it would be worth it to go ahead with the study. Mrs. Phaneuf would like to know how they would sever the relationship if it did not work out. Mr. Giorlandino is in favor of the police and fire departments going ahead with the study.

Reports.

Town Administrator.

- Democratic Committee looking for meeting space (Mr. Giorlandino recused himself from and did not participate in any decision-making regarding this topic).
- Harvard has pledged \$50,000 over 3 years for the fire truck.
- Transfer station violation.
- BOS report for the annual Town Report.

Mr. Giorlandino.

- Metrowest Growth Management Committee has extended an offer to a candidate for Executive Director.
- Metrowest Growth Management Committee is looking to study the impact of casino gambling on communities.
- News article from Southborough Villager (from 1997) re: naming of the meeting room at the DPW in honor of Calvin Mauro. The article reported that the Selectmen at the time had voted to re-name the meeting room for Calvin Mauro. To date, however, the room has not been re-named in Mr. Mauro's honor. The current Board of Selectmen voted unanimously to name the meeting room at the DPW after Mr. Mauro.

Consent Agenda

The Board voted unanimously to:

1. Approve the minutes of the Board's meetings held on May 26, 2009; November 16, 2009, as amended; November 17, 2009; November 24, 2009; December 1, 2009; December 15, 2009, as amended.
2. Approve the minutes of the November 24, 2009, Executive Session, as amended.
3. Accept the resignation of Dr. Seder from the Board of Health. The Board extended their appreciation and thanks for Dr. Seder's service to the Town.

Other Business

1. Ethics Commission Liaison discussion was held to the January 26, 2010, meeting.
2. Endorsement of sub-contract for website services was sent to Town Counsel for review, and will be taken up at the January 26, 2010, meeting.
3. Endorsement of the 2009 update to the Affordable Housing Strategy was voted unanimously.
4. It was voted unanimously to appoint Bill Boland to the School Naming Committee, two more candidates are needed.
5. It was voted unanimously to accept the following Fire donations:
 - \$100.00 from John Worcester
 - \$50.00 from Anna Nix
 - \$25.00 from Mary Martell
 - \$100.00 from Gulbankian Farms

WARRANTS

92	\$474,202.02	12/23/09	TOWN PAYABLES
93	\$88,477.43	12/23/09	SCHOOL PAYABLES
94	\$4,596.53	12/23/09	SCHOOL ENC. PAYABLES
95	\$14,031.92	12/23/09	CAFETERIA PAYABLES
96	\$5,742.17	12/23/09	SCHOOL PAYABLES
97	\$155,252.19	12/23/09	SCHOOL PAYABLES
98P	\$500,613.04	12/23/09	SCHOOL PAYROLL
99P	\$263,974.49	12/23/09	TOWN PAYROLL
TOTAL	\$1,506,889.79		
100	\$307,995.69	1/8/10	TOWN PAYABLES
101	\$94,880.73	1/8/10	SCHOOL PAYABLES
102P	\$494,676.24	1/8/10	SCHOOL PAYROLL
103P	\$241,165.80	1/6/10	TOWN PAYROLL
TOTAL	\$1,138,718.46		

Meeting adjourned at 10:00 p.m.

Respectfully submitted,
Mary H. Lowell, Recording Secretary

BOARD OF SELECTMEN
MEETING MINUTES
January 26, 2010
MCAULIFFE MEETING ROOM

Present: Salvatore Giorlandino, Chairman; Bonnie Phaneuf, Bill Boland and Jean Kitchen, Town Administrator.

The Board conducted an Executive Session from 6:00 pm to 6:38 pm (See Executive Session Minutes) and re-entered open session at 6:38 p.m.

Accept donation of Fire Ladder Truck Committee. Rebecca Waterfall, Chair of the Fire Ball Committee, and James Colleary, Chair of the Ladder Truck Committee, presented the Board with a check for \$83,165.71 for the ladder truck. The amount represents the total donations made Southborough residents or entities to be used by the Town to purchase a new aerial ladder truck. It was voted unanimously to accept the check from the Southborough Firefighters Association fundraising account and the Fire Ball Committee in the amount of \$83,165.71. The Board thanked all of the committee members for their hard work. Chief Mauro thanked the Fire Ball Committee and all volunteers.

Hazard Mitigation Plan. The Board voted unanimously to adopt the Town of Southborough Hazard Mitigation Plan. The Board signed the document.

Charter Cable License – Ascertainment Hearing. Mr. Giorlandino explained that the Charter license expires on September 16, 2010 and that a public hearing is required by law. Paul Ferguson, Chair of the Cable Advisory Committee, listed all the changes that have been achieved over the years and said that he feels the Town needs a studio for Public Access TV. He thinks that they should negotiate with Charter for the same agreement that they got from Verizon. Warren Palley told the Board that he had Charter for 15 years and did not have any problems until he upgraded his package to include telephone service. He has been frustrated by Charter's customer service response after having a problem with his service. Representatives of Charter said that they are looking forward to discussions with the Board. Mrs. Phaneuf stated that both vendors have been fair and that she supports the Cable Committee. Mr. Boland said that he never had a problem while he was a customer of Charter and supports the committee. The Board asked that any interested parties provide written testimony, through Mrs. Kitchen, by 7:00 p.m. on February 9, 2010.

Change of manager for Tomasso Trattoria, Inc., 154 Turnpike Road, Southborough, MA from Lorenzo Savona to Thomas Prince. Mr. Prince explained that he owns the business and that Mr. Savona is no longer at the business. It was voted unanimously to approve the petition for the change of manager for Tomasso Trattoria, Inc., 154 Turnpike Road, Southborough, MA from Lorenzo Savona to Thomas Prince.

Change of Manager for Panzano Market, Inc., 154 Turnpike Road, Southborough, MA from Lorenzo Savona to Thomas Prince. Mr. Prince explained that he owns the business and that Mr. Savona is no longer at the business. It was voted unanimously to approve the petition for the change of Manager for Panzano Market, Inc., 154 Turnpike Road, Southborough, MA from Lorenzo Savona to Thomas Prince.

Approve Common Victualler's License for Town Line Deli/Restaurant, 150 Framingham Road, Southborough, MA. Zach Demichele is requesting a Common Victualler's license so that he can operate a deli/restaurant at 150 Framingham Road. It will be a family environment and he would serve breakfast, lunch and dinner. The hours will be 6:00 a.m. to 9:00 p.m. Monday Through Saturday and 7:00 a.m. to 5:00 p.m. on Sunday. The Board voted unanimously to approve the Common Victualler's license for Town Line Deli/Restaurant, 150 Framingham Road, under the management of Zach Demichele, with the hours listed above.

Auditor contract approval. This is a continuation of the Board's January 5, 2010 discussion on the Auditor's

proposed contract. Brian Ballantine, Finance Director, and Carla McAuliffe, Town Accountant, provided a list of the additional tasks that have been added over the years. Mrs. Phaneuf said that they are lucky to have the caliber of auditor but feels that she has to be consistent and cannot agree to an increase this year. She suggested that they continue with the current rate and revisit it next year. Mr. Boland is sympathetic to the additional work that is being done and would like to retain Mr. Fraher, but hopes that they can negotiate the rate. Mr. Giorlandino feels that it is too steep an increase at this time and is not comfortable with a three year contract. He proposed a one year contract with an increase of \$1,000, and revisit it next year. Mr. Boland countered with \$1,000 this year and \$500 for each of the following two years. Mr. Ballantine was concerned that they may lose Mr. Fraher. Mrs. Phaneuf offered zero increase this year and \$1,000 for each of the following two years. It was voted unanimously to ask Mr. Fraher to revise the terms of his contract so that he would receive \$21,000 for FY2011, \$22,000 for FY2012 and \$23,000 for FY 2013.

Marlboro Road water diversion – hearing continued from the Board’s January 5, 2010 meeting. Aldo Cipriano, Town Counsel, gave a summary of the process that has led to this hearing. Jean Kitchen, Town Administrator, read into the record the notices that were sent to the parties involved. Atty. Cipriano reminded Mr. Stanechewski and Mr. Maffei that they are still under subpoena. Mr. Stanechewski; Attorney Dionisi; Mr. Maffei; Karen Galligan, DPW Superintendent; John Woodsmall, Town Engineer; John Mauro, Jr., Fire Chief; Jane Moran, Police Chief; David Gusmini, Building Inspector and Thomas Dipersio, Land surveyor, were all sworn in by Atty. Cipriano. Ms. Galligan gave a timeline of the issue and presented photographs of sump pumped water flowing from Mr. Stanechewski’s property at 126 Marlboro Road, through the earthen berm and onto Mr. Maffei’s driveway, at 128 Marlboro Road, and then down to Marlboro Road. Mr. Woodsmall presented photographs that were taken in recent days, and explained that since there had been several days of dry and/or freezing weather there should be no water discharge. The fact that water was still being discharged leads him to believe that the problem is being caused by ground water being pumped from Mr. Stanechewski’s basement. Ms. Galligan read a letter dated January 31, 2001, from then Building Inspector Peter Johnson, asking for a water discharge plan. The plan was never provided to Mr. Johnson. Mr. Gusmini stated that there has been no Certificate of Occupancy issued for the addition to Mr. Stanechewski’s house. Mr. Dipersio stated that through the years the grade of the land has been changed, which affects the drainage flow. He feels that the installation of Mr. Maffei’s septic system added to the problem. Mr. Maffei objected to that statement and said that the water table was high when he installed his system as he had to add ballast to keep the septic tank from floating to the top. Both Chief Mauro and Chief Moran testified to the fact that the freezing water was causing hazardous conditions on Marlboro Road and that sanders have had to be called out numerous times over the last several winters. Mr. Dipersio said that the solution is to install drainage pipe to the catch basin in Marlboro Road, which could cost as much as \$27,000. Atty. Dionisi said that his client, Mr. Stanechewski, was prepared to say that it would cost approx. \$27,000 to remedy the problem but was not prepared to pay that much, as he feels the neighbors should help with the cost. Atty. Cipriano stated that changes in topography results in private property rights, and that the Board’s concern is whether the water flow is a public nuisance. Atty. Dionisi said that the Board should weigh and balance the rights of public safety with the rights of Mr. Stanechewski. Mr. Boland is sympathetic with anyone who has a water problem on their property, but the end result is that water is being pumped from the basement and is ending up on the street, and that it has to stop. Mrs. Phaneuf agreed with Mr. Boland and said that both Mr. Stanechewski and Atty. Dionisi admitted that water was being pumped from the basement of the house. Mr. Giorlandino concurs with Mr. Boland and Mrs. Phaneuf that a public nuisance is being caused. The Board voted unanimously that water being pumped from Mr. Stanechewski’s basement, at 126 Marlboro Road, is causing an icing problem on Marlboro Road that is a public nuisance. The Board issued an order to abate the nuisance immediately, and ordered Mr. Stanechewski to meet with the DPW Superintendent and the Building inspector to develop plans to abate the problem, and to give a status report to the Board in 30 days.

Report.

Town Administrator

- Authorize BOS chairman to sign the Hazardous Materials Plan – voted unanimously.

- Authorize BOS Chairman to sign the EMS Service Zone Plan – voted unanimously.
- Attended the Metrowest Growth Committee discussion on proposed Milford Casino.
- Attended MMA meeting.
- Annual Town Meeting warrants – no stabilization article.
- Budget review.

Mr. Boland

- Attended MMA meeting.

Mr. Giorlandino

- Follow up on the naming of DPW room for Calvin Mauro. DPW is working on getting a plaque dedicating the room for Mr. Mauro.

Mrs. Phaneuf

- Suggested that they go into executive session at the end of the meeting to discuss contract negotiations with Police Chief Moran.

Consent Agenda

The Board voted unanimously to:

1. Approve a 2% merit increase for Cynthia Foster, Assistant Town Accountant, with a SEIU Grade 3 salary of \$21.73/hr effective February 1, 2010.
2. Approve a 2% merit increase for Jennifer Low, Library Assistant, with a SEIU Grade 2 salary of \$17.62/hr effective January 29, 2010.
3. Approve a 2% merit increase for Naomi Magnoni, Library Assistant, with a SEIU Grade 2 salary of \$17.80/hr Effective January 29, 2010.
4. Appoint Janet Maney and Ann Cave to the Southborough Scholarship Committee for terms to be determined.

Other Business

1. It was voted unanimously to appoint Michelle Jenkins, Assistant Town Clerk, as the Ethics Commission Liaison with a term to expire on June 30, 2010.
2. The endorsement of sub-contract for website services was held to the next meeting.
3. It was voted unanimously to submit the names of Susan Peghiny Faccenda, 4 Latisquama Road, and David Rueger, 81 Pine Hill Road, for the School Naming Committee.

WARRANTS

104	\$491,081.04	1/15/10	TOWN PAYABLES
TOTAL	\$491,081.04		
105	\$349,347.66	1/22/10	TOWN PAYABLES
106	\$242.03	1/22/10	SCHOOL ENC PAYBLES
107	\$6,570.03	1/22/10	CAFETERIA
108	\$3,549.56	1/22/10	CAFETERIA
109	\$244,546.43	1/22/10	SCHOOL PAYABLES
110	\$495,576.60	1/22/10	SCHOOL PAYROLL
111	\$253,375.17	1/20/10	TOWN PAYROLL
TOTAL	\$1,353,207.48		
112	\$584,923.84	1/29/10	TOWN PAYABLES

113	\$28,676.00	1/29/10	CHAPTER 90
114	\$160,547.56	1/29/10	SCHOOL PAYBLES
TOTAL	\$774,147.40		

At 10:10 p.m. it was voted, on roll-call vote, to enter into Executive Session to discuss contract negotiations with Police Chief Moran. Mr. Giorlandino – aye, Mr. Boland – aye, Mrs. Phaneuf – aye.

Respectfully submitted,
Mary H. Lowell, Recording Secretary

**BOARD OF SELECTMEN
MEETING MINUTES
February 2, 2010
MCAULIFFE MEETING ROOM**

Present: Salvatore Giorlandino, Chairman; Bonnie Phaneuf, Bill Boland and Jean Kitchen, Town Administrator.

Transfer Station violation hearing – Misha Kendall. Mrs. Kitchen swore in Ms. Kendall, and DPW representatives Karen Galligan, Joe Berte, and Chris LeRoy. Ms. Kendall is a resident of Bolton and was observed taking items from the Transfer Station swap shop. Due to financial hardship, she was there to see if there were any toys that she could give to her children. Ms. Kendall stated that she saw the signage at the entrance to the transfer station but did not think that it applied to the swap shop as she had been told about the swap shop by a Southborough resident. Mr. Boland stated that he is not sympathetic towards those who say that they did not see the signs and/or acknowledge seeing the signs but enter the Transfer Station anyway. When asked by Mrs. Phaneuf, Ms. Kendall stated that she had talked to the person who had told her about the swap shop, but she did not want to come before the Board. It was voted unanimously to affirm the citation but to reduce the fine to \$100, with \$150 suspended for one year and waived if there are no further violations. The Board authorized Mrs. Kitchen to deal with the financial hardship issue raised by Ms. Kendall.

Transfer Station violation hearing – Emily Smith. Mrs. Kitchen swore in Ms. Smith, and DPW representatives Karen Galligan, Joe Berte, and Chris LeRoy. On 12/10/2009 Ms. Smith was observed bringing moving boxes and packing supplies to the Transfer Station's recycling area. Ms. Smith stated that she lives in Newton but works in Southborough, next door to the Transfer Station, and does not deny using the Transfer Station. Mr. Boland told Ms. Smith that the Transfer Station is clearly marked for use of Southborough residents only, and that Southborough residents have to pay to get rid of the recyclables. It was voted unanimously to deny the appeal and uphold the \$250 fine.

Senator Eldridge, Representatives Dykema and Gregoire. Senator Eldridge recommended that towns expect a 10% cut in local aid. He highlighted some of the items he is working on, such as a municipal relief package with the MMA and the MAAO, land use reform and the grandfathering land use. Rep. Gregoire has been working on, among other things, no additional taxes, worked on the extension of quarterly taxes and, along with Rep. Dykema, has been in discussion with the MWRA about the Nichols House. Rep. Dykema helped get the EMS waiver, jobs creation and healthcare help for small business. Mrs. Phaneuf questioned where the stimulus money was going and was informed that there are strict parameters as to how the money can be used. Mr. Boland stated that his concerns are: relief from non-profits that have housing units, displaced families in hotels that have children entering the schools, circuit breaker cuts, the Quinn Bill, GIC and the bottle bill. Mr. Giorlandino discussed the problematic MBTA commuter rail service, the tax equity issue of non-profits and property tax relief for seniors.

Board of Health interviews. It was voted to open a joint meeting with the Board of Health to interview candidates. Louis Fazen and Nancy Sacco, representing the board of health who, along with the Selectmen interviewed the candidates.

- Mary Lou Woodford. Ms. Woodford is a registered nurse and a certified case manager and currently works for the Massachusetts Department of Public Health. She feels that her background and experience would be an asset to the board of health, especially now that public health is moving more towards health and nursing.
- Deshang Wang. Mr. Wang is an expert in environmental engineering and waste water treatment and feels that his background will be a valuable asset for the board.
- John Kendall, Jr. Mr. Kendall withdrew his application.

Dr. Fazen explained that public health is moving away from septic and towards public health issues. He feels that both candidates have wonderful qualifications and both would be great additions to the Board. Mrs. Phaneuf

stated that this is a very unique situation as there is an election in three months, and that it is unusual to get this caliber of candidates for a short term appointment. Considering that the board of health has no engineer with septic experience she stated that she was leaning toward Mr. Wang. Mr. Boland indicated his preference to let the voters decide, and encouraged both candidates to run in the upcoming election. He stated that he was leaning towards Mr. Wang because of his engineering background, and the fact that he has run twice before for a position on the board of health. Mr. Giorlandino feels that it is not an easy choice as both candidates are very qualified. He is going with Ms. Woodford because of her public and private sector experiences. Ms. Sacco asked if they could hold off and let the voters decide. It was decided to refer that question to Town Counsel. Ms. Sacco is leaning toward Ms. Woodford. Dr. Fazen said that they are on the cusp of moving into more dramatic programs in public health and that it would be important to have that expertise. He is leaning towards Ms. Woodford. It was voted 4-1 (Dr. Fazen – no) to take no action and encourage both candidates to take out papers for the election. A vote to appoint a Board of Health member will be taken if Town Counsel advises that such a vote is required by State law.

Arts Council re: Arts Center. Erin Wheatley and Emily van Nort gave a history of the Arts Council, the work that the Council does, and how the Council benefits the Town of Southborough. Mrs. Phaneuf asked when the Council felt that it could contribute to the upkeep of the Town building that the Council uses to conduct its activities. Ms. Wheatley said that what they put in hours and grants, etc. far outweighs what they could contribute monetarily, and using space in the schools, where most of their activity takes place, is not an option. Mr. Boland stated that the Board is fully supportive of the Arts Council but that the Council used to fully fund the building and now it does not contribute to the upkeep. He said that no one wants to do away with the Arts Council but the Town is faced with a difficult financial situation and needs help to keep the building open. Mr. Giorlandino said that the Town is subsidizing the operations of the Council and suggested that the Council think about it and come back with an action plan in 30 days.

Police Chief – Lieutenant job description. Chief Moran gave a history of the Police Department's seeking of a Lieutenant position and explained how she would fill the position, and back-fill other positions. The Board is supportive of having a Lieutenant position. Mrs. Phaneuf would like a copy of the previous job description, to compare to the new one. Mr. Boland clarified the staffing objective and asked for a staffing chart. Mr. Giorlandino proposed meeting again in two weeks to discuss the issue.

Historical Commission – RFP for Arts Center Architectural services. Phil Rinehart, Facilities Manager, and Kate Matison, Historical Commission, said that they had received clarification from the District Attorney and the design phase for the Arts Center project needs to go out to bid, rather than be bid by soliciting three quotations. There is nothing wrong with the document as it is written, other than the wording needing to be changed from "RFP" to "bid". The Board voted unanimously to support the Arts Center Architectural Design phase going out to bid.

Fire Chief Fire Grant. Chief Mauro explained that the Fire Department has received a grant to offset overtime costs. The Board voted unanimously to accept the grant from the American Recovery and Reinvestment Act of 2009, in the amount of \$13,988, to offset overtime costs.

Review of ATM warrant articles. The Board checked the wording on the articles for the Annual Town Meeting.

Reports

Town Administrator. Mrs. Kitchen informed the Board that she had attended a regional dispatch meeting.

Chairman. Mr. Giorlandino reminded the Board that there is a meeting scheduled for February 9, 2010, to discuss the budget, a regular meeting on February 16, 2010, and management summit meeting on February 23, 2010.

Consent Agenda

1. Approval of the minutes of the January 5, 2010, meeting was held to the next meeting.
2. Approval of the minutes of the January 26, 2010, Executive Session was held to the next meeting.
3. It was voted unanimously to approve a 2% merit increase for Michael Osattin, Communications Officer, with a SEIU Grade 2 salary of \$19.57/hr, effective February 24, 2010.
4. It was voted unanimously to approve a 2% merit increase for Tamara Hadley, Administrative Secretary, with a SEIU Grade 2 salary of \$20.78/hr, effective retroactively to January 22, 2010.
5. It was voted 2-0 to appoint Jacob J. Walter, 19 Red Gate Lane, as Register of Voters, term to expire June 30, 2011. Mr. Boland recused himself from discussion and abstained from voting as Mr. Walter is his father-in-law.
6. It was voted unanimously to appoint Laurie Bourdon, 61 Breakneck Hill Road, as a member of the Southborough Stewardship Committee (Breakneck Hill Cow Fund representative), term to expire June 30, 2010.

Meetings have been scheduled for every Tuesday in March 2010, and for April 6 and 27, 2010.

WARRANTS

115	\$336,570.94	2/5/10	TOWN PAYABLES
116P	\$497,613.50	2/5/10	SCHOOL PAYROLL
117P	\$251,383.44	2/5/10	TOWN PAYROLL
TOTAL	\$1,085,567.88		

At 10:05 p.m. it was voted (Mr. Giorlandino – aye, Mr. Boland – aye, Mrs. Phaneuf – aye) to enter into executive session for the purpose of conducting discussions on collective bargaining and contract negotiations, union and non-union, and not to return to open session.

Respectfully submitted,
Mary H. Lowell, Recording Secretary

**BOARD OF SELECTMEN
MEETING MINUTES
February 9, 2010
MCAULIFFE MEETING ROOM**

Present: Salvatore Giorlandino, Chairman; Bonnie Phaneuf, Bill Boland and Jean Kitchen, Town Administrator.

FY11 Budget Deliberations

Mrs. Phaneuf reviewed her recommended budget reductions.

- No increase in school budget over FY10
- Reduce BOS budget by \$3,000
- Reduce Audit budget by \$2,000 to reflect contractual agreement with Auditor
- Treasurer's Office: don't fill the vacant position of Administrative Secretary
- Reduce Personnel Board budget by \$536.00
- Reduce MIS budget by \$453.00
- Reduce ZBA budget by \$2,000
- Building and Grounds – close Fayville Village Hall, move that department to a school building, move cable committee and equipment to the arts center
- Reduce DPW \$5,000 from equipment?
- Limit OT, have department heads return on call when the need arises
- Police: limit OT by \$18,000
- Reduce Grounds budget by \$10,000
- Board of Health – reduce contracted services by \$4,100
- Youth & Family: relocate this department to a school building, discontinue summer program, reduce Assistant Director to 19.5 hours per week [part time status]
- Library: reduce budget by \$15,000
- Recreation: take 20 more hours per week for salaries from the revolving fund

Mr. Giorlandino agreed with most of Mrs. Phaneuf's proposed cuts; Mr. Giorlandino and Mr. Boland asked to hear from department heads before making any decisions.

Comments of Department Heads:

1. **Library Trustees:** Ms. Rosenbloom spoke about the need to maintain funding at \$399,000 to keep state certification.
2. **Board of Health:** Mr. Pisinski, Health Agent, spoke about the cut of over \$4,000. He said they would have to cut the average hours of the inspector and the remainder would come from supplies, mileage, professional development. Other changes would include prioritizing housing code complaints, level of inspections, etc. Mr. Boland asked about the money turned back at the end of FY09 due to less inspections caused by a downturn in building and septic installations.
3. **DPW:** Ms. Galligan spoke to this reduction. Having water reserves absorb some things might be possible. Building maintenance is for pumping stations on the water side. Some money is funded for maintenance and repair for those instances when Facilities is not available for this assignment. This line item was increased to show actual cost of maintaining the transfer station and the DPW facility. Ms. Galligan argued for cutting \$8,000 from DPW and not from Buildings & Grounds. Total to be taken from DPW is \$23,000.

Additionally, \$10,000 will be cut from the grounds maintenance contract.

LIST OF ITEMS PRIORITIZED OUT OF NEED AND NECESSITY.

4. **Facilities:** Mr. Rinehart stated that closing Fay Village Hall ("FVH") is not a problem. Staff can be used to move Cable to the Arts Center. He was asked to re-structure some staff hours to handle this reduction. Eliminate overtime or cut hours? Mr. Rinehart has already had to furlough his staff one day per month before these cuts have been in place.
5. **Recreation:** Ms. Ferguson said the commission is willing to move 20 hours to the revolving fund with the contention that the 53e 1/2 find is approved to help manage their various funds.
6. **Youth Commission:** Ms. Sugarman-Whittier spoke on her budget. Her location needs to take into consideration the need for confidentiality. The loss of the summer program is a large hit, since she lost a clerical person last year. With this number, she would eliminate almost everything including her assistant director. It would not make her 19.5 but she would still lose hours. She added that she is not a clerical person, she is a counselor and administrator. Its effect would be felt by the most vulnerable members of this community. The board discussed the assistant director taking over the summer program with help from the trust fund. Mrs. Phaneuf feels it is a duplication of services that can be provided by other local or state agencies. She wants the numbers of clients and the kinds of services they are receiving. Mr. Boland is apprehensive as there is a need this year for the services this department is providing.
7. **Police:** limit overtime to \$18,000. Chief Moran said overtime is filling in for vacation and sick time on a shift. This change will reduce the number of officers on each shift and may increase liability and injuries in the line of duty with no backup. If the money can be found from another line, that would be acceptable. In prior years, the department has already been operating understaffed and with less funding. Mr. Boland would agree to a 3% reduction, which would be significantly more.
8. **Board of Selectmen:** Mrs. Kitchen stated that a \$3,000 cut would mean cuts to employee assistance program and printing of the town report. Should ask town meeting to change the by-law to allow for not printing the town report. Can eap services be covered by health insurance?
9. **Audit:** Mr. Ballantine stated that this \$2,000.00 cut will be absorbed in the new contractual agreement with the Auditor.
10. **Treasurer/Collector:** Mr. Ballantine stated that he still has one position vacant which he will not be able to fill. Certain projects and analysis will be delayed. Mrs. Phaneuf stated that she is not in favor of filling any vacant positions.
11. **Personnel Board:** This cut would be made from annual employee training programs.
12. **MIS:** this loss can be deleted from the GIS side.
13. **ZBA:** Proposed \$2,000.00 cut in secretarial services. This would be from clerical coverage at the meetings. Mrs. Phaneuf feels there is a duplication of services as there is an in house administrative assistant as well as an outside contractor. Mr. Giorlandino said this is a specialized service of drafting decision letters. He is not in favor of this cut without further information. Mrs. Phaneuf asked that the ZBA be asked to re-negotiate that cost.
14. **Capital articles:** Mrs. Phaneuf proposed eliminating the articles for \$60,000 for 2 police cruisers requested by Police and reduce the DPW request unless it comes from the water reserves.

If the department head feel it is a need that cannot wait, then they will have to defend that to the Board and town meeting.

Ms. Galligan asked if the department heads could find other scenarios, would the board be amenable to this if they were able to shift monies to allow all departments to be functional? Mrs. Phaneuf said this is okay if everyone works with the 3% cut amount. Mrs. Phaneuf said that all town departments have given up something, either raises or benefits, and the school employees have not given up anything. Therefore, she has level funded the school department. Some departments have agreed in principle – like Health, Library, etc. The Board does not want to revisit this issue if it means restoring them 100%.

Chief Moran spoke about the need for two cruisers that need to be replaced, being that she runs each 24 hours a day, every day. The Board suggested that Police replace only the vehicle that will be over 100,000 miles. The Board will have to re-visit capital requests.

Fire: Chief Mauro discussed staffing levels per shift.

Mr. Boland wants to hear from departments that are not reduced yet by 3%. [Accountant. Elections and Registration, Police, Fire, Building, COA, Schools].

The Board suggested meeting on Thursday, February 18, 2010.

WARRANTS			
118	\$73,878.59	2/12/10	TOWN PAYABLES
TOTAL	\$73,878.59		

The Board moved to enter executive session at 8:15 p.m., not to return to open session.

Respectfully submitted by Vanessa D. Hale, Assistant Town Administrator.

**BOARD OF SELECTMEN
MEETING MINUTES
February 18, 2010
MCAULIFFE MEETING ROOM**

Present: Salvatore Giorlandino, Chairman; Bonnie Phaneuf, Bill Boland and Jean Kitchen, Town Administrator.

FY11 Budget Deliberations

The Board discussed the updated budget projections as presented. Revenue raising recommendations include medicare ambulance billing and implementing a hotel and meals tax. Mr. Boland would favor the hotel tax but not the meals tax as this one would harm the local residents. Mrs. Phaneuf is not in favor of either tax; she does not want to further tax the residents of the Commonwealth. Mr. Giorlandino also does not favor the local meals tax or the hotel tax. This would have realized \$80,000.

Mr. Boland and Mrs. Phaneuf disclosed that they have family members which are school department employees.

The school department is more than 65% of the school budget. Dr. Gobron said the regional high school budget will be voted within the week. He noted that circuit breaker reimbursements have been decreased greatly. Many factors have made it difficult to meet a zero percent increase over FY10. Currently there is an increase of \$588,140. Mr. Boland noted that non-school employees are not receiving a raise next year and have already made concessions on insurance and co-pays. He cannot support more for the school budget knowing that school employees are still receiving wage increases. Mrs. Phaneuf wants them to find additional monies to fund their budget. Neither have funded technology. The Board at this time has level funded both the regional and K-8 schools where their respected committee have not voted on a budget. The Board respects the contract in place but wants to request that the teacher's union forego contract raises in FY11 and increase their health insurance contribution to match other town employees. Dr. Gobron is discussing these matters with the teacher's association. The Board's consensus is not to have an override. .

It was reported tax collections are down \$610,000 in the first quarter of this year. Even small departments are taking a serious hit in the FY11 budget. The town is facing an operational deficit due to past use of free cash and reserves, amounting to over \$1,000,000. Mr. Ballantine, Finance Director, spoke about bond financing. He noted that our rating has been maintained thus far but they do not approve of the town's use of these sources and the lack of replenishment of those monies.

Mr. Pisinski said the board of health will make more severe cuts in inspectional services. Mr. Rinehart said the last cut to the Facilities department will mean losing 8 hrs per month per person, less overtime, closing Fayville Village Hall, no employee training at all, and freezing wages. Chief Mauro discussed raising ambulance fees and stated there will be impacts to service. If he can raise revenue, he wants it to go back to the fire department, not other departments. Mrs. Cain said library cuts of 4.56% mean they are under appropriation for certification of libraries. They will apply for a waiver and hope to find other sources of revenue. Chief Moran analyzed how to absorb a cut and would have to look at personnel. \$47,000 from state aid in community policing is lost and there will be a lack of services that residents have been used to receiving.

The budget discussion is on going:

- Reserve fund: \$187,000, cut to \$175,000
- Assessors: difference of \$2,000. They level funded contract since its helps generate revenue but cut 5 hours making the senior clerk 20 hrs. Fund at \$173,000.
- Treasurer: do not fill vacant position. Keep minimum non benefit hrs. instead of full-time. If the position is filled, the board supports less than 20 hours. Ms. Kline from SEIU recommends it should be a shared position with a present town employee whose hours may have been cut. Fund at \$179,574
- Personnel: Fund at \$6,000
- MIS [2 line items have not been spent yet during FY10] Fund at \$170,000
- Elections: Personnel is in two separate budgets. Fund at \$79,546
- Planning: slight reduction of hours? Fund at \$133,504
- ZBA: cut of \$2,000 in sec. services. Fund at \$15,346
- Facilities: Mr. Boland is not in favor of depleting funds for Fayville Village Hall, he wants to coordinate that with the Cable Committee to pay for utilities and keep Youth and Family Services there. Mrs. Phaneuf wants to do something else with the building – give it to the Buffalo Soldiers, sell it, lease it, affordable housing. Mr. Boland does not want to sell town property. Fund \$428,289 unless cable can absorb a greater portion of the cost to maintain Fayville Village Hall. Mrs. Phaneuf did not vote to support that amount.
- Police: Quinn bill is funded at 100% in this budget. Funding will be re-visited.
- Civil Defense: this budget includes a stipend. Cut by \$1K. Fund at \$2,771.
- Youth: want to offset cuts made earlier and fund this at \$123,039; this includes eliminating the summer program assistant. The director will look at grants and other funding or referral sources.
- Algonquin: 2% increase over last year's assessment
- BOH: Fund \$131,765
- Schools: this budget will be voted next week by the school committee. K-8: level fund this budget.
- Recreation: Fund \$98,500 and make better use of the revolving fund.

The Board, at this time, voted unanimously to approve an annual budget of \$42,711,105 for FY11.

Warrant Articles

- Technology: not to be funded.
- Drainage: not to be funded.
- Retirement: This funds sick time buy out of retiring employees. Mr. Boland does not want to fund from stabilization. This is an annual operational cost.
- Appraisal services: fund from overlay account
- Town Hall maintenance: this item will be revisited.
- Equipment: The DPW superintendent summarized her proposed articles. The Board supports an amount not to exceed \$140,000. The Board may revisit this.
- Cruisers: the board supports one vehicle
- Town House boiler: agreed to this if funded from maintenance account

Change of Manager: The Board continued this hearing until March.

Bond Refinancing: The board authorized the Chairman of the Board of Selectmen, as the clerk of the board, all signatory authority for this purpose.

Consent Agenda

Minutes: The Board voted unanimously to approve the following meeting minutes: January 5, 2010, February 2, 2010 as revised. The Board voted to table the minutes of February 9, 2010 and the Executive Session minutes of January 26, 2010.

The Board approved:

1. A donation of \$50 from J. R. McCarthy to Fire Donation Account.
2. Accept donation of \$500.00 in memory of Mrs. Elinor Fay Garfield to be allocated to the Library.
3. Accept resignation from Ethel N. Armstrong as a Registrar of Voters, effective January 9, 2010.

Other Business

The Board voted unanimously to call the Special Town Meeting within the Annual Town Meeting on Monday, April 12, 2010 and close the warrant on February 22, 2010.

Reports:

- The Metrowest Growth Management Committee met this week and wrote a letter on the impacts of proposed casinos to the state delegation.

The Board moved to enter executive session for collective bargaining negotiations at 8:05 p.m., not to return to open session.

WARRANTS

119	\$297,557.08	2/19/10	TOWN PAYABLES
120	\$9,350.57	2/19/10	CAFETERIA
121	\$233,662.93	2/19/10	SCHOOL PAYABLES
122P	\$493,103.75	2/19/10	SCHOOL PAYROLL
123P	\$256,114.80	2/17/10	TOWN PAYROLL
TOTAL	\$1,289,789.13		

Respectfully submitted by Vanessa D. Hale, Assistant Town Administrator.

**BOARD OF SELECTMEN
MEETING MINUTES
March 2, 2010
MCAULIFFE MEETING ROOM**

Present: Salvatore Giorlandino, Chairman; Bonnie Phaneuf, Bill Boland and Jean Kitchen, Town Administrator.

Update from DPW re: plaque for Calvin Mauro. This item was removed from the agenda.

Ambulance fees. Fire Chief John Mauro Jr. would like to increase the rate charged to patients transported by the ambulance service. The Town's current rate is based on the current Medicare rate plus 30%. He offered three scenarios: Do not change the rate, increase the rates to Medicare +100%, and increase the rates to Medicare +200%. Chief Mauro feels that charging the Medicare rate +100% to start, and revisiting next year, is the most viable option. After some discussion it was decided to continue the discussion at the March 9, 2010 meeting to give Mrs. Kitchen, Town Administrator, time to find out how much of the cost is covered by Tufts and Fallon health insurance.

Finalize ATM and STM warrant. The Board reviewed, and revised, articles for the Annual Town Meeting. It was voted unanimously to open the Special Town Meeting warrant and add Article 5. It was voted unanimously to close the Special Town Meeting warrant.

Board of Health appointment. The BOH and the BOS were to hold a joint meeting for the purpose of voting for a candidate to fill the vacant position on the BOH (two candidates had been interviewed during the February 2, 2010, joint meeting of both Boards). However, a vote could not be taken as this evening's BOH meeting had not been posted. A meeting will be posted for Friday, March 5, 2010, at 5:30 p.m.

RFP for Charter Communications. Paul Ferguson, Cable Committee Chairman, reviewed the proposals listed in the RFP for renewal of the Charter Cable contract. It was voted unanimously to approve the RFP.

Cultural Arts Council. Emily van Nort and Erin Wheatley presented the Board with several options on how they can contribute to the upkeep of the Arts Center building. James Hegarty stated that the Town's people made the decision to preserve the building and suggested that the Board look at the best direction for the Arts Center building, given the money put into it, and before putting any more money into it. Mrs. Phaneuf offered to meet with the Arts Council, Recreation Department and the Town Administrator to go over the options and report back to the Board sometime after Town Meeting.

Reports.

Town Administrator. Mrs. Kitchen reminded the Board that the Town Clerk required a 35 day notice of any ballot question to be placed on the ballot for the May 10, 2010 election.

Police equipment. The Board met briefly with Chief Moran who was requesting funding for equipment needed in police cruisers. The Chief explained the equipment was malfunctioning and must be replaced. The Board directed Chief Moran to use her donation account to replace the necessary equipment.

Consent Agenda

The Board unanimously voted to:

1. Approve the minutes of the meetings held on January 26, 2010 and February 9, 2010, as revised.
2. Approve the minutes of the executive sessions held on February 9, 2010 and February 18, 2010, as revised, and to be retained. The minutes of the January 26, executive session were held for a future

meeting.

3. Appoint Renee Maiorana to the Scholarship Committee, term to expire June 30, 2012.
4. Appoint Barbara Pfirman to the Scholarship Committee, term to expire June 30, 2010.

WARRANTS

124	\$2,749,374.58	2/26/10	TOWN PAYABLES
125	\$4,424.00	2/26/10	CHAPTER 90
126	\$108,432.54	2/26/10	SCHOOL PAYABLES
TOTAL	\$2,862,231.12		
127	\$426,262.66	3/5/10	TOWN PAYABLES
128P	\$488,908.03	3/5/10	SCHOOL PAYROLL
129P	\$253,119.91	3/3/10	TOWN PAYROLL
TOTAL	\$1,168,290.60		

At 9:45 p.m. it was voted, on roll-call vote (Mr. Giorlandino – aye, Mr. Boland – aye, Mrs. Phaneuf – aye), to enter executive session to discuss a sensitive issue with Police Chief Moran, and not to re-enter open session.

Respectfully submitted,
Mary H. Lowell, Recording Secretary

**BOARD OF SELECTMEN
MEETING MINUTES
March 9, 2010
MCAULIFFE MEETING ROOM**

Present: Salvatore Giorlandino, Chairman; Bonnie Phaneuf, Bill Boland and Jean Kitchen, Town Administrator.

The Board opened the meeting at 6:30 p.m. and voted by roll call vote to enter Executive Session to discuss potential litigation. Roll Call: Phaneuf, aye; Boland, aye, Giorlandino, aye.

The Board re-entered open session at 7:07 p.m.

Police Lt. Position. It is Chief Moran's intent to create a Lieutenant's position, advance a Sergeant and back-fill a patrolman's position. Chief Moran provided the Board with an organizational document and flowchart, and a schedule of officer assignment. The Chief met with the Personnel Board, who recommended that the position be paid at a starting salary of Level 5 on the SAP. This request does not add new personnel as it consists of moving personnel around. Chief Moran feels that the Lieutenant's position should be filled from within as the candidates will be familiar with the town and personnel. The application will be open to all Sergeants' on staff. Chief Moran intends to enlist the aid of the Assessment Center to guide her through the process. Mr. Giorlandino stated, as he has before, that he is in favor of the Lieutenant's position, given that the Chief's position is the only management position in the department. Mrs. Phaneuf will attend the Personnel Board meeting on March 10, 2010, and she and Chief Moran will report back to the BOS on March 16, 2010, at 8:00 p.m. Mr. Giorlandino announced that Chief Moran will be formally sworn in as Police Chief on March 23, 2010.

COA Incentive Grant. The focus of the grant will be on outreach to seniors to improve emergency response capacity and coordination. The Board voted unanimously to accept the Incentive Grant from the Executive Office of Elder Affairs, in the amount of \$2,000, to fund additional hours for the Senior Center's Outreach Coordinator for the current fiscal year.

Award Historical Commission police station renovation design contract. The Historical Commission received 7 responses to the RFQ and narrowed the choice down to three companies. With input from Police Chief Moran and Phil Rinehart, Facilities Manager, they narrowed the choice down to three companies. The Historical Commission voted 4-0 to award the contract to Baer Architectural Group, in the amount of \$19,300. CPC will provide the funding. Mr. Giorlandino read the Scope of Services Overview from the RFQ into the record. The Board voted 2-1 (Mr. Boland – no) to approve awarding the bid to Baer Architectural Group subject to Town Counsel approving the contract, in the amount of \$8,300 for phase I and Phase II being \$11,000, pending Special Town Meeting appropriation in April.

Change of Manager, Transfer of Stock and New Officer/Director for Danny Corporation d/b/a Colony Market, 162 Cordaville Rd. Atty. Arthur Pearlman represented Kiran Patel. Ms. Patel has been employed by Colony Market since 2001. Although this is a change in ownership the hours, layout of the store and business will stay the same. There were no negative reports received on the business. It was unanimously voted to approve the request as submitted by the petitioner.

Ambulance fees; discussion continued from Board's meeting of March 2, 2010. Last week's meeting was continued to allow Fire Chief Mauro time to attain information requested by the Board. Chief Mauro informed the Board that insurance providers reimburse the cost of ambulance service in the amount charged by the Fire Department. Chief Mauro is proposing that the rate be increased to the Medicare rate plus 100%, and to revisit the issue next year. The Board voted unanimously to support Chief Mauro's request to increase the ambulance service fee structure to the Medicare rate plus 100%. Mr. Giorlandino commended Chief Mauro on the excellent and professional service that the ambulance service provides. Chief Mauro thanked the ambulance staff for the

professional job that they do.

Reports.

Town Administrator.

- There is a public hearing scheduled on the school budget for tomorrow evening (Wednesday, March 10, 2010).
- Mrs. Kitchen commented on the resignation of Vera Kolas, Town Planner, stating that she enjoyed working with Ms. Kolas and that she did an incredible job as Town Planner.

Consent Agenda

1. It was not necessary for the Board to vote on approving the Disclosure of Financial Interest for Gail A. Jenks as this was an informational item only.
2. It was voted 2-0 (Mrs. Phaneuf abstained) to designate the Website Administrator as a Special Municipal Employee.
3. It was voted unanimously to approve the minutes of the January 6, 2010 executive session, as amended.
4. The resignation of Vera Kolas, Town Planner, was taken under advisement until the Board receives formal notification from the Planning Board, per Town Counsel.

Other Business

It was voted unanimously to:

1. Approve the Open Space and Recreation Plan.
2. Accept a donation to Youth & Family Services

WARRANTS

130	\$140,032.63	3/12/10	TOWN PAYABLES
TOTAL	\$140,032.63		

Meeting adjourned at 8:23 p.m.

Respectfully submitted,
Mary H. Lowell, Recording Secretary

**BOARD OF SELECTMEN
MEETING MINUTES
March 16, 2010
MCAULIFFE MEETING ROOM**

Present: Salvatore Giorlandino, Chairman; Bonnie Phaneuf, Bill Boland and Jean Kitchen, Town Administrator.

The Board re-entered open session at 8:40 p.m.

Police Lt. position, continued discussion from Mar. 9th. Chief Moran asked that this item be postponed to another meeting, as she received the job description from the Personnel Board and would like to have an item clarified before proceeding further. Mrs. Phaneuf reiterated that this is not new, but has been discussed for many years with support of the Personnel Board. Edward Allen is concerned that there is no Lieutenant's position to help with administrative duties, but feels that this is not the time to be doing this, given the economic conditions. Chief Moran thanked him for his interest and assured him that this is a flexible position, with both inside and outside duties, and that funding is already in the budget. Mr. Giorlandino commended Mr. Allen for coming out and expressing his views.

Request use of \$5,000 consultant/engineering funds for dispatch study. Police Chief Moran, Fire Chief Mauro and Mrs. Kitchen, Town Administrator, have met with their counterparts in Ashland and Hopkinton to discuss regionalizing fire and police dispatching services. There will be a study grant available in the fall and the three towns have prepared an RFP for a feasibility study so that they will be prepared to apply for the grant money in the fall. If each town puts in \$5,000, for a total of \$15,000, they could begin the feasibility study this spring. Mrs. Kitchen would like to take the \$5,000 from the engineering and consulting budget. Chief Moran stated that she felt that this is a well put together document, with all three towns contributing to it. Chief Mauro feels that the sooner they can gather the information the better positioned they will be for applying for the grant money. Mrs. Phaneuf and Mr. Giorlandino are concerned about some of the wording in the RFP and feel that it should be sent to Town Counsel for review. It was suggested that a revised document be brought before the Board on March 23, 2010.

Retirees Medex health insurance plan proposed change. Mrs. Phaneuf abstained from the discussion. Brian Ballantine, Finance Director, and Ken Lombardi, insurance consultant, discussed proposed changes to the prescription part of the retiree health benefits. The changes would mean a savings for the majority of retirees. Only two of the thirteen retirees attended an open meeting that was held to discuss the changes. Mr. Boland is in favor of saving seniors money. Mr. Giorlandino is supportive of any reasonable plan that cuts costs. It was requested that certified letters be sent to all thirteen retirees explaining that two voting members of the BOS are in support of the change and requesting that any comments be addressed to the BOS by Friday, April 9, 2010.

Pay grade for DPW Executive Assistant. Karen Galligan, DPW Superintendent, stated that she had received over 130 resumes for the position. The applicant that was chosen has all of the qualifications and has excellent references. Ms. Galligan is requesting that the starting pay rate be set at \$23.19/hour, which is a significant pay cut for the applicant. Mr. Boland said that he has met the applicant and found her to be very pleasant, and that she seemed very excited about having the opportunity to come and work for Southborough. He recommended approving the pay rate. It was voted unanimously to approve the pay rate of \$23.19/hour, SEIU Grade 3, for the candidate for DPW Executive Assistant.

Reports.

Town Administrator.

- The BOS will be meeting with the Town Moderator on April 5, 2010 for the annual Pre-Town Meeting. The Board feels they should also get together with Advisory on the April 5, 2010.
- Mrs. Hale, Assistant Town Administrator, accepted an award from Common Cause, on behalf of the Town,

for the Town website.

Chairman, Board of Selectmen.

- At 6:30 p.m. on March 23, 2010, Police Chief Jane Moran will be officially sworn in as Chief. The BOS invites all department heads, the Police Chief Search Committee, Mr. Unsworth of the Assessment Center, Representatives Dykema and Gregoire and Senator Eldridge to attend.

Consent Agenda

1. The merit increase for Jen Hom, Recreation Administrative Secretary was tabled.
2. It was voted unanimously to approve the minutes of the March 2, 2010 meeting, as amended.
3. It was voted unanimously to nominate Leslie E. Boardman as Inspector of Animals.

Other Business

1. The Board discussed the articles for the Annual and Special Town Meeting warrants. There will be further discussion at the March 23, 2010 meeting.
2. It was voted unanimously to accept a \$100.00 donation to be allocated to the ambulance donation account.
3. It was voted unanimously to accept a \$50.00 donation to be allocated to the fire donation account.
4. It was voted unanimously to accept a \$50.00 donation to be allocated to the fire donation account.

WARRANTS

131	\$288,448.53	3/19/10	TOWN PAYABLES
132	\$6,891.17	3/19/10	CAFETERIA
133P	\$495,866.03	3/19/10	SCHOOL PAYROLL
134P	\$278,448.70	3/17/10	TOWN PAYROLL
TOTAL	\$1,069,654.43		

Meeting adjourned at 9:50 p.m.

Respectfully submitted,
Mary H. Lowell, Recording Secretary

BOARD OF SELECTMEN
MEETING MINUTES
March 23, 2010
MCAULIFFE MEETING ROOM

Present: Bill Boland, Chairman, Salvatore Giorlandino, Bonnie Phaneuf and Jean Kitchen, Town Administrator.

The Board re-entered open session at 6:38 p.m.

Swearing in of Jane Moran as Police Chief. Mr. Giorlandino said that he was proud that Southborough has its first female Police Chief and asked for a moment of silence in memory of Chief Colleary and Chief Webber. Chief Jane Moran was escorted in by the members of her staff and the oath of office was administered by Paul Berry, Town Clerk. Chief Moran's son, Hopkinton Police Officer John Moran, pinned the badge on his mother's uniform.

Request for funding to begin dispatch study and approve RFP. Town Counsel, Aldo Cipriano, had recommended some changes to the RFP. Mrs. Kitchen explained the process. It was voted unanimously to authorize Jean Kitchen Town Administrator, to participate in interviews as well as participating in acceptance portion with Police Chief Moran, representing the Southborough Board of Selectmen. It was voted unanimously to approve the request for \$5,000 from the Engineering Consulting account, and to approve the RFP.

Public Hearing: Amend Code of the Town of Southborough Chapter 31, Personnel, Salary Administration Plan and Personnel By-Laws. It was voted unanimously to open the hearing. The changes were reviewed. It was voted unanimously to close the hearing. The Board voted unanimously to amend the Code of the Town of Southborough Chapter 31, Personnel, Salary Administration Plan and Personnel By-Laws.

Public Hearing: Amend Code of Town of Southborough Chapter 207 Vehicles and Traffic, Article II Authority and Duties of Police. It was voted unanimously to open the public hearing. Changes had been made to Article 18 of the Annual Town Meeting warrant and were approved by Town Counsel. It was voted unanimously to close the hearing. Recommendation will be made at Town Meeting.

Public Hearing: Amend Code of the Town of Southborough, Chapter 3, Section 6, Sale of Property. It was voted unanimously to open the public hearing. Mrs. Kitchen stated that no changes had been made to Article 19 of the Annual Town Meeting warrant. It was voted unanimously to close the hearing. Recommendation will be made at Town Meeting.

Wells Lane road acceptance hearing. Vera Kolias, Town Planner, explained that the Planning Board is still waiting for proof that the open space confirmatory deed has been recorded. The Board voted unanimously to approve the layout of Wells Lane, subject to final approval of the Planning Board.

Phil Rinehart re: request for Facilities Maintenance funds for elevator repair. Mr. Rinehart explained that the elevator in the Arts Building was inspected by State inspectors and had failed in three areas. Two of the items were repaired using funds from his general maintenance account but he is requesting to use money from the Facilities Maintenance account to make the third repair. It was voted unanimously to approve funding of up to \$3,500 from the Facilities Maintenance account to repair the Arts Building elevator.

Reports.

The scheduled performance evaluations were tabled for a future meeting.

Consent Agenda

The Board voted unanimously to:

1. Approve the minutes of the March 9, 2010 meeting, as amended. The minutes of the February 18, 2010 meeting were held for a future meeting.
2. Approve the March 16, 2010 Executive Session minutes (not to be released).

3. Approve the buy back of two cemetery lots.
4. Accept the resignation of Betty Soderholm from the Metrowest Regional Transit Authority Advisory Board.
5. Decrease the size of the Municipal Facilities Committee from seven to five.
6. Approve the following donations made to the Fire donation account:
 - \$150 from Peter Fletcher
 - \$100 from Joseph MacLeod

Other Business

1. The Annual and Special Town Meeting warrants were finalized and signed.

WARRANTS

135	\$428,068.20	3/26/10	TOWN PAYABLES
136	\$125,975.56	3/26/10	SCHOOL PAYABLES
137P	\$185,850.01	3/26/10	SCHOOL PAYABLES
TOTAL	\$739,893.77		

Meeting adjourned at 8:10 p.m.

Respectfully submitted,
Mary H. Lowell, Recording Secretary

BOARD OF SELECTMEN
MEETING MINUTES
April 6, 2010
MCAULIFFE MEETING ROOM

Present: Bonnie Phaneuf, Bill Boland and Jean Kitchen, Town Administrator.

Mrs. Phaneuf chaired the meeting as Mr. Giorlandino was absent due to an urgent family matter.

The meeting was opened at 6:30 p.m.

Main Street project – Town Common Options. Mrs. Phaneuf stated that there would be no decision made this evening because of Mr. Giorlandino's absence. Karen Galligan, DPW Superintendent, and John Woodsmall, Town Engineer, explained that after the decision the Board made at the October 27, 2009 meeting they had received notice of some concerns that the Police and Fire Chiefs had regarding parking in the area of the common. The project engineers, VBH, Inc., were asked to come up with design alternatives and those designs were shown this evening. Several residents voiced support for moving the stone wall, some supported not moving the stone wall and some were concerned that one plan had the roadway too close to the residences. David Falconi, Historical Commission, stated that the commission had voted unanimously not to move the stone wall. Mr. Boland still feels that he does not want to see parking eliminated in front of the businesses and leans towards a plan that does not take away from the common. Mrs. Phaneuf suggested sending the plans to the Planning Board, as they have not seen it yet, and bringing it back to the BOS after the Planning Board has voted on it.

Town Report Dedication. The 2009 Annual Town Report was dedicated to former Selectman Thomas W. McAuliffe. Mr. McAuliffe served as selectman for a record 26 years and the meeting room in the Town House is named for him.

Chief Moran – company to dispose of abandoned property. Chief Moran requested approval for the Police Department to contract with Propertyroom.com to auction off abandoned or seized property that is no longer of use to the Police Department. Propertyroom.com will pick-up, test, clean, repair, prepare items for sale and ship all items at no cost to the Town. The Board voted unanimously to approve entering into an agreement with Propertyroom.com, subject to review by Town Counsel.

Reports.

Town Administrator.

- A BOS meeting has been posted for Monday, April 11, 2010 at 6:00 p.m.
- It was voted unanimously to approve putting Scott Henderson on IOD, effective March 31, 2010.
- Received resignation of Nancy Vargas from ZAC. To be brought to Town Clerk before Board acts on it.
- Letter from Neil Aspesi requesting to be appointed to Emergency Management – will be taken care of at Monday's meeting.
- More plans for Woodland Meadows 40B project.

Mr. Boland.

- Met with Regional School Committee re: allocation of capital costs. The committee took no action on Northborough's request for Declaratory Judgment.

Mrs. Phaneuf.

- The PILOT Committee will be meeting after Town meeting.
- Historical Committee – report on fire station plans.

Consent Agenda

It was voted unanimously to:

1. Approve the minutes of the February 18, 2010 meeting, as amended, and the March 16, 2010 meeting, as amended.
2. Regretfully accept the resignations of Elizabeth Soderholm from the Americans with Disabilities Act

Committee, Council on Aging, MetroWest Regional Transit Authority, Southborough Elderly Housing Committee and the Transportation Task Force.

3. Appoint Kelly Rovedo as a Special Police Officer, term to expire June 30, 2010.

Other Business

It was voted unanimously to:

1. Accept a donation of \$5,000.00 in honor of Betty White, to be allocated to the Library.
2. Accept a donation of \$500.00 from L'Abri Fellowship Foundation for payment in lieu of taxes.

WARRANTS

138	\$4,633,361.36	4/2/10	TOWN PAYABLES
139P	\$496,440.78	4/2/10	SCHOOL PAYROLL
140P	\$246,720.92	3/31/10	TOWN PAYROLL
TOTAL	\$5,376,523.06		

142	\$216,234.93	4/9/10	TOWN PAYABLES
143	\$1,706.40	4/9/10	CHAPTER 90
TOTAL	\$217,941.33		

On roll call vote (Mr. Boland – aye, Mrs. Phaneuf – aye) the Board entered executive session at 8:05 p.m. to discuss collective bargaining.

Respectfully submitted,
Mary H. Lowell, Recording Secretary

BOARD OF SELECTMEN
MEETING MINUTES
April 27, 2010
MCAULIFFE MEETING ROOM

Present: Salvatore Giorlandino, Chairman; Bill Boland and Jean Kitchen, Town Administrator.

Mr. Giorlandino opened the meeting at 6:30 p.m. and noted that Mrs. Phaneuf is absent due to illness.

Medex 2 for Retirees. Mr. Ballantine, Finance Director, explained that this is a continuation of the March 16, 2010 discussion. At that time it was requested that Mr. Ballantine send notices of the proposed change to all 13 retirees by certified mail. All 13 received the mailing, and he has received three replies. Mr. Ballantine stated that both the retirees and the Town would save money by switching to Medex 2. It was voted 2-0 to approve the proposal to switch to BCBS Medex 2 for all eligible retirees, effective July 1, 2010. Mr. Giorlandino noted that Mrs. Phaneuf had recused herself from previous discussions of this matter.

Karen Galligan – Annual NPDES Report. Mr. Giorlandino disclosed that he is an employee of the DEP and that he would recuse himself from discussion if Mrs. Phaneuf was here. It was agreed to invoke the Rule of Necessity, with Mr. Boland as signatory on behalf of the BOS. Karen Galligan, DPW Superintendent, explained that the Town is required to submit an annual report detailing the progress made toward meeting the goals laid out by the Storm Water Pollution Prevention Plan (SWPPP). The Town has met those goals and is waiting for the EPA to issue a new five year permit – the Town is now on year seven of the original five year permit. It was voted unanimously to accept and approve the NPDES Phase II report.

Award contract for Cultural Arts Bldg Window Designer Selection to David Hart Enterprises. Phil Rinehart, Facilities Director, stated that Phase I consisted on half the windows and Phase II will cover the other half plus rebuilding the exterior doors and painting the exterior of the building. He explained the process used in his decision to award the contract to David Hart Enterprises. Mr. Boland mentioned a correction that had been pointed out to Mr. Rinehart earlier, and stated that no change orders were to be approved without Mr. Rinehart's approval. It was voted unanimously to award the contract, as amended this evening, to David Hart Enterprises in the amount of \$22,000.

Award Contract for replacement of Town House Boilers to Energy Efficiency Services. Phil Rinehart, Facilities Director, had requested bids for three gas fired condensing boilers for the Town House. The current boilers were installed in 1975 and are nearing the end of their lives. It was voted unanimously to award the contract for the Town House boiler replacement to Energy Efficiency Services, Inc., in the amount of \$31,907, with funding coming from the Town Meeting Warrant article that funds maintenance.

Cable Committee request for DTC Waiver regarding Comcast License. Paul Ferguson, Cable Committee, explained that this is a request for a waiver of the full license required by the DTC, as Comcast only serves a small number of residents in an area of the Town that is not serviced by Verizon. It was voted unanimously to approve the request and to authorize that the request be submitted to the DTC.

Town Administrator Report

- The Facilities Director would like to use \$500 from this year's budget to pay for a luncheon for the Assabet students and instructors who worked on the 209 Parkerville Road renovation.
- The Scholarship Committee would like to dedicate their awards ceremony to Jim Denman as well as award one of the scholarships in his name.
- The Town Clerk will be taking people from Fox 25 around town to determine the best location for filming their May 7th morning program.

- There is a vacancy on the Assabet Valley Regional Vocational School District Committee due to Jim Denman's passing.

Consent Agenda

It was voted unanimously to:

1. Accept a \$20,000 annual donation from St. Mark's School, and to accept their additional \$10,000 annual installment donation for the fire truck.
2. Accept a \$550 donation to Youth and Family Services.
3. Accept a \$100 donation to the fire donation account.

Other Business

1. It was decided to wait and consult with Mrs. Phaneuf before scheduling the May meetings.

Meeting adjourned at 7:24 p.m. with a roll call vote (Mr. Giorlandino – aye, Mr. Boland – aye) to enter into executive session at 7:30 p.m. to discuss collective bargaining and potential litigation, and not to re-enter open session.

WARRANTS

144	\$331,144.52	4/16/10	TOWN PAYABLES
145	\$632.00	4/16/10	CHAPTER 90
146P	\$498,711.03	4/16/10	SCHOOL PAYROLL
147P	\$226,825.45	4/14/10	TOWN PAYROLL
TOTAL	\$1,057,313.00		

148	\$55,379.19	4/23/10	TOWN PAYABLES
149	\$12,257.75	4/23/10	CAFETERIA
150	\$427,394.60	4/23/10	SCHOOL PAYABLES
TOTAL	\$495,031.54		

151	\$285,709.28	4/30/10	TOWN PAYABLES
152	\$208,295.35	4/30/10	SCHOOL PAYBLES
153	\$1,020.00	4/30/10	SCHOOL PAYABLES
154P	\$499,823.28	4/30/10	SCHOOL PAYROLL
155P	\$250,489.14	4/28/10	TOWN PAYROLL
TOTAL	\$1,245,337.05		

Respectfully submitted,
Mary H. Lowell, Recording Secretary

**BOARD OF SELECTMEN
EXECUTIVE SESSION
UPPER HALL, CORDAVILLE HALL
April 28, 2010**

Present: Salvatore Giorlandino, Bonnie Phaneuf, Bill Boland, Aldo Cipriano, Town Counsel; Barry Bachrach, Special Counsel; James Lampke, Special Counsel

The Board entered Executive Session at 6:30 PM by roll call vote to discuss strategy with respect to litigation; for the purpose of complying with the provisions of the Attorney-Client Privilege; for the purpose of conferring with legal counsel for legal advice. Roll Call: Boland, aye; Phaneuf, aye; Giorlandino, aye.

Findings of Special Counsel Attorney James Lampke

The Board then heard a report on an internal investigation conducted by Atty. Lampke. Atty. Lampke stated that his presentation was not for the purpose of discussing the reputation, character, physical or mental health of an individual; or to consider or hear complaints or charges brought against a public officer, employee, staff member or individual. The point was to discuss procedure and direction going forward.

There were four areas of Atty. Lampke's investigation: (1) A post-Town Meeting gathering at Uno's; (2) An overheard conversation at Town Hall by a member of the Police Department; (3) Overall alleged undermining of the Interim Police Chief; and (4) The disposition of the laptop computer and the data of deceased former Police Chief William Webber.

Atty. Lampke stated that his investigation found nothing that would warrant discipline, termination, suspension or reprimand. He stated the BOS did the right thing by investigating a complaint and concerns that could have opened the Police Chief search to question. He felt the investigation was further warranted as the BOS had conducted training on proper conduct for employees and officials two months previous and had approved a Conduct Policy in 2008.

Uno's: Atty. Lampke stated that while some comments that may have been made might have been inappropriate, due to some of the people present, (three non-Town employees who the subject has to deal with, the presence of a person who was competing for a position and a subordinate of the employee), nothing said would in any way warrant discipline.

Overall undermining due to not giving notice via e-mail, etc: Atty. Lampke found no clear intent of this. In fact, he found evidence to support that the Interim Chief was almost always notified of meetings. Department Head meeting incidents were found to be not valid.

Overheard conversation between BOS Chairman and Town employees: Atty. Lampke found no reason to believe that anything overheard by a member of the Police Department relative to a

meeting in the Town Administrator's office was improper. The Chairman at that time (Mr. Boland), was totally within his authority to discuss the operation of a department or personnel with the Town Administrator staff. In the future, he advised greater care in keeping conversations from being overheard.

Disposition of Computer: Atty. Lampke stated that a review of the facts showed that the Town's IT personnel followed the Town's standard operating procedure on computer retrieval and reuse. He found that the computer was secured and all data from it was uploaded to the the Town's secure file server and were available if requested. It may be that the Department personnel was unaware of the accessibility of the data.

Totality of Events: Atty. Lampke found that some things could have been done better, but nothing was done to undermine Interim Chief Moran.

Atty. Lampke stated that his recommendations should not be taken to suggest that there was a problem.

Atty. Cipriano stated that it was important to note that the BOS had no choice but to act based on the complaints that were received. He also pointed out that some of the individuals, whose names were mentioned in the media, were never a part of the investigation.

The Board determined that a meeting would be called for Wednesday May 5, 2010 at 7:00pm to discuss the findings with the employees. The Board directed Attorney Lampke to summarize his findings in a report to be shared with all participants.

Mr. Boland moved, and it was seconded and voted unanimously to accept the findings of Atty. Lampke and his recommendation of no disciplinary action warranted against employees and to proceed with his further recommendations. Roll Call: Boland, aye; Phaneuf, aye; Giorlandino, aye.

Motion to adjourn at 10:56pm was seconded and voted unanimously. Roll Call: Boland, aye; Phaneuf, aye; Giorlandino, aye.

Respectfully submitted by William J. Boland, Member, Board of Selectmen.

**BOARD OF SELECTMEN
MEETING MINUTES
MCAULIFFE HEARING ROOM
May 5, 2010**

Present: Sal Giorlandino, Bonnie Phaneuf, Bill Boland, Town Counsel Aldo Cipriano, Special Counsel James Lampke

Chairman Giorlandino called the meeting to order at 7:48 pm

The Chairman moved and it was seconded to go into Executive Session to discuss strategy with respect to litigation; for the purpose of complying with the provisions of the Attorney-Client Privilege; and for the purpose of conferring with legal counsel for legal advice, and to reserve the right to resume in Open Session at its conclusion.

Town Administrator Jean Kitchen asked if she could read a statement into the record, which she did. Ms. Kitchen's statement is attached.

All parties agreed to continue in Executive Session. It was voted to enter Executive Session reserving the right to resume Open Session at its conclusion; Phaneuf aye, Boland aye, and Giorlandino aye. The Board entered Executive Session.

Immediately after entering Executive Session, on the recommendation of Atty. Lampke, it was moved, and seconded, to adjourn Executive Session and resume Open Session to better define the reason for Executive Session. It was voted Phaneuf aye, Boland aye, and Giorlandino aye. The Board resumed Open Session.

At 8:00 pm a motion was made and seconded to enter Executive Session to discuss strategy with respect to litigation; for the purpose of complying with the provisions of the Attorney-Client Privilege; for the purpose of conferring with legal counsel for legal advice, to discuss the reputation, character, physical or mental health of an individual; and to consider or hear complaints or charges brought against a public officer, employee, staff member or individual; and to re-open in Open Session at its conclusion. It was voted Phaneuf aye, Boland aye, and Giorlandino aye. The Board entered Executive Session.

At 11:30 pm The Board resumed Open Session. The Chairman stated that Atty. Lampke would read a statement into the record and that the Board would not entertain any questions after the statement. Atty. Lampke read the statement which is attached.

The Board moved, seconded and voted unanimously to adjourn at 11:37 pm

Respectfully submitted by William J. Boland, member Board of Selectmen.



Statement of Town Administrator Jean Kitchen read into the record and presented in writing at BOS Open Session May 5, 2010:

There are four items I would like the board to consider:

I would like the Board of Selectmen to consider having this meeting in open session—for no other reason than to clear the air. Having an executive session will only serve to continue speculation and for rumors to persist.

I would also like to request that the Board of Selectmen issue a **written** statement this evening exonerating myself and others (who can speak for themselves) of any wrong doing. I (We) have done nothing but cooperate... with myself giving over 6 hours of testimony and over a years worth of emails to assist in what was initially called an audit and what is now called an investigation.

In addition, an apology to the other department heads would go a long way in solving the unhealthy environment that has been created over the last 7 months and reestablish an atmosphere where employees can perform at their highest level. Unless that's done it will be very difficult to reestablish trust or respect and will only further create a hostile and

intimidating work environment...And that is unacceptable.

Also I would like to know how you will address the fact that some of us have had to hire lawyers to defend ourselves when there is no validation of the charges or of the complaints.

I would like to state for the record that I have the utmost regard and respect for the Town department heads, including former Town Planner. I have worked in this business for over 23 years and it is quite unusual for all dept. heads to get along and work together—but that's what you have in Southborough—hard working department heads who exhibit a commitment to public service each day. It is truly a team ...that works collectively for the best interests of Southborough and not for their own self interests.



Statement of the Board of Selectmen. May 5, 2010

Due to allegations received by the Town, the Board of Selectmen was legally and morally obligated to have the matter reviewed.

The Board wishes to state that after a thorough investigation of the matter by James B. Lampke, Esq., the Board has accepted his finding and has concluded that there was no wrong doing and thus no discipline is warranted as relates to Jean Kitchen, Vanessa Hale, Vera Kolias and Karen Galligan.

Also, contrary to reports, Carla McAuliffe, Brian Ballantine, Fire Chief John Mauro and Doreen Ferguson were only among the witnesses and were never the subject of the investigation.

It should be further noted that Police Chief Jane Moran was not the source of the complaints or matters that were reviewed which led to this situation.

The Board wishes to emphatically state its support and respect for all the employees of the Town and in particular those involved in this matter. The employees want to reassure the Board and the residents of the Town that they will continue to work together for the benefit of the Town of Southborough.

The Board would like to take this opportunity to comment on rumors regarding former Town Planner Vera Kolias. Any idea that Ms. Kolias was asked to leave her position as Town Planner is completely false. The Board of Selectmen had absolutely nothing to do with Ms. Kolias's resignation. It knew her as an outstanding and dedicated employee who left her position solely on her own initiative to make a positive career move. The Board wishes Vera Kolias the very best in the future and regrets her departure as a great loss to the Town of Southborough.

[approved by selectmen 6-15-10]

**BOARD OF SELECTMEN
EXECUTIVE SESSION
MCAULIFFE HEARING ROOM
May 5, 2010**

Present: Salvatore Giorlandino, Bonnie Phaneuf, Bill Boland, Aldo Cipriano, Town Counsel; James Lampke, Special Counsel; Jean Kitchen, Town Administrator; Vanessa Hale, Assistant Town Administrator; Karen Galligan, DPW Superintendent; Vera Kolias, Former Town Planner; Jane Moran, Police Chief, John Mauro, Fire Chief; Carla McAuliffe, Town Accountant; Doreen Ferguson, Recreation Director; Brian Ballantine, Finance Director, Atty. Doucy, (Kitchen, Hale); Atty. Merrill, (Galligan, Kolias); Atty. Goldberg, (Moran); Michael Hale, (Hale spouse); John McAuliffe, (McAuliffe spouse).

It was moved, seconded and voted unanimously that the Board enter Executive Session to discuss strategy with respect to litigation; for the purpose of complying with the provisions of the Attorney-Client Privilege; and for the purpose of conferring with legal counsel for legal advice, and to reserve the right to resume in Open Session at its conclusion. All parties present agreed to continue in Executive Session. Roll Call: Boland, aye; Phaneuf, aye; Giorlandino, aye.

Immediately after entering Executive Session, on the recommendation of Atty. Lampke, it was moved, and seconded, and voted unanimously to adjourn Executive Session and resume Open Session to better define the reason for Executive Session. Roll Call: Boland, aye; Phaneuf, aye; Giorlandino, aye. The Board resumed Open Session.

At 8:00 pm a motion was made, seconded and voted unanimously to enter Executive Session to discuss strategy with respect to litigation; for the purpose of complying with the provisions of the Attorney-Client Privilege; for the purpose of conferring with legal counsel for legal advice, to discuss the reputation, character, physical or mental health of an individual; and to consider or hear complaints or charges brought against a public officer, employee, staff member or individual; and to re-open in Open Session at its conclusion. Roll Call: Boland, aye; Phaneuf, aye; Giorlandino, aye. The Board entered Executive Session.

Attorneys Merrill and Doucy requested clarification on some items. Atty. Lampke clarified that attorneys would be allowed to speak on behalf of their clients during the Executive Session. Atty. Lampke further clarified that the Executive Summary of his report was a public document but not subject to mandatory disclosure although the Board could decide to release it. The Board did authorize release of the report to employees Mauro, McAuliffe, Ferguson and Ballantine.

Atty. Lampke read the reasons for validity the investigation and stated there were four issues that were part of the investigation: (1) A post-Town Meeting gathering at Uno's; (2) An overheard conversation at Town Hall by a member of the Police Department; (3) Overall alleged undermining of the Interim Police Chief; and (4) The disposition of the laptop computer of

deceased former Police Chief William Webber. Atty. Lampke further read excerpts from the Town Professional Conduct Policy and summarized that the Town had a responsibility to investigate the four matters.

Atty. Lampke summarized his findings as follows:

1. Uno's: It was clear that something was said by Ms. Galligan about the police vehicle but Lampke found that it was not malicious or demeaning. He stated that the comment might have been inappropriate due to the presence of some people.
2. Town Hall Conversation: Atty. Lampke concluded that nothing was inappropriate about the discussion. Ms. Galligan should have been asked to leave if the discussion was prolonged. In the future, he advised greater care in keeping conversations from being overheard.
3. Undermining: Atty. Lampke found that allegations of undermining and intentional exclusion were shown to be unfounded. In fact records demonstrated that, in almost every case, the Interim Chief was notified of meetings and kept apprised.
4. Computer: Atty. Lampke was satisfied that there was no intent to keep neither former Police Chief William Webber's laptop computer nor the data on it from Interim Chief Moran or the Police Department. He found the computer was treated the same as all other Town Computers.

Discussion and Statements

Atty. Doucy stated that he had no objections to the report. He questioned who had complained to the BOS and stated the sequence of events as he saw it.

Chairman Giorlandino stated that he was reluctant to say anything based on Ms. Kitchen's statement and the amount of information previously leaked.

Mrs. Phaneuf stated she feels her relationship with employees has been good over eight years. She felt it was in the best interest of everyone to hire an outside attorney, Atty. Lampke. Improvements could have been made and the process could have been done better.

Ms. Galligan stated she felt the first meeting on October 22, 2009 was antagonistic with improper tone. As a result, she felt some people did not want to speak because they were afraid. She asked why they weren't asked directly about anecdotal issues and feels the BOS does not trust or respect Department Heads

Ms. Kolas stated that the first meeting was the worst of her professional life. She feels it could have been talked out and resolved that night if handled better. She was upset that the

Planning Board was not notified and not treated properly during the investigation. She was very upset by rumors that she had been fired. She wants to pursue reimbursement of legal expenses from the Town because she does not feel the findings justify what the employees were put through for over seven months.

Chief Mauro stated that at the first meeting he was made to feel guilty. He feels he was accused of something when he was not even present. He, and he believes others, are afraid to say things in front of the BOS.

Atty. Lampke apologized for the length of time his investigation took but he had to be thorough and conduct his other business at the same time.

Ms. Hale stated that she was never given anything in writing regarding the complaints. She feels the treatment of the employees at the first meeting and the lack of communication created a hostile work environment. She thinks her legal bills should be paid by the Town.

Ms. Kitchen stated that employees are afraid and there needs to be a better working relationship with the BOS. She has dealt with and solved issues like this before and would have handled this one if allowed. She feels that the employees should be reimbursed for their legal expenses.

Mrs. Phaneuf questioned how Ms. Kitchen could have solved an issue like this if she was party to the investigation.

Atty. Goldberg stated that Chief Moran did not initiate any complaint. Statements she had made were based on her feelings. He and Chief Moran stated that no mediation was ever offered to try to resolve the issue. She wants to move forward.

Mr. Boland explained the situation of meeting with the four employees on October 23, 2009 and his subsequent presentation to Chief Moran of their offer to meet with an impartial mediator to resolve the situation and improve any issues between parties. He stated that he advised her to consider the offer and respond to him or the Chairman of the Board. He stated the response came through the Chairman that the offer was not accepted and that Chief Moran requested that the next meeting scheduled for October 29, 2009 take place as scheduled. The Chairman had further stated that he would grant Interim Chief Moran's request for an additional employee to be involved in that meeting. After the explanation, Chief Moran agreed that the offer of mediation did take place.

Ms. Ferguson stated that she was clearly on the outskirts. She believes the first meeting to be as other employees have described it and cannot believe the situation had gone as far as it had.

Ms. McAuliffe stated she has not been able to do her job without fear since the first meeting. Her reputation has been trashed. Communication must be improved.

Chief Moran stated that the whole situation has been tough on her. She feels she has been bashed for two years. She apologized for anything that she might have done to hurt anyone.

Mr. Boland stated that he was deeply concerned about what all the employees had been put through especially the levels of stress that he had seen firsthand affect several of them. He felt that the situation could have been resolved in a better way and should not have taken so long to resolve. He was glad to see the results of the investigation showed no wrongdoing on the part of any employees.

Chairman Giorlandino stated that he was upset about all of the problems caused by the negative comments by posts to the "My Southborough" website. He would like to find a way to bring closure. Everything he did was done in good faith.

All parties agreed to the statement that would be released by the Board of Selectmen upon return to Open Session.

Motion to adjourn and return to Open Session at 11:30pm was seconded and voted unanimously. Roll Call: Boland, aye; Phaneuf, aye; Giorlandino, aye. The Board returned to Open Session.

Respectfully submitted by William J. Boland, Member, Board of Selectmen.

Executive session minutes released by the Board of Selectmen September 1, 2010

**BOARD OF SELECTMEN
MEETING MINUTES
MCAULIFFE HEARING ROOM
May 11, 2010**

Present: Bonnie Phaneuf, Bill Boland, John Rooney, Jean Kitchen, Town Administrator.

Re-organization of the Board: Mr. Boland nominated Bonnie Phaneuf as Chairman. Motion passed unanimously. Mrs. Phaneuf made a motion to appoint Mr. Boland as Vice-Chair of the Board. The motion passed unanimously.

Utility identity protection procedures: This relates to water billing. It will address possible identity theft risk in the Town. It has been modeled after other municipal policies from other communities. The finance director has addressed how data is handled as part of this analysis and presented this to the Board.

Phil Rinehart, Facilities Manager – contract awards

Award contract for Cordaville Hall air conditioning units to M & M Environmental Engineering, Inc. This will air condition the meeting room. Motion to award this contract for \$19,960 was awarded and approved unanimously.

Award contract for Cordaville Hall folding panels to Corbin-Hufcor, Inc. This contract will enable the large meeting room to be divided into smaller meeting and function spaces. They are manually operated. This contract was awarded unanimously.

Award contract for Cordaville Hall ceiling panels to Acoustical Ceilings. This contract was awarded unanimously.

Award contract for Town House upgrade to boiler controls to Johnson Controls, Inc. This motion was awarded unanimously. This will be funded from the annual maintenance article.

Designation of Special Municipal Employee

There are certain town employees that, under the State Ethics Law, need to have their positions designated as Special Municipal Employees. The Board was asked to designate Council on Aging board members and Election Pollworkers as Special Municipal Employees so they can participate in the Senior Tax Work Off program and continue in their current employment capacity. This was voted unanimously.

Town Administrator Report

- Mrs. Kitchen reviewed the committee appointment process
- Recreation would like to remove the tree stump in front of the Art s Center. They would like to have a contest to design it as it is left in the ground. It should represent the Town in some way. Mrs. Phaneuf is concerned about liability issues and would like to know what the process would be.
- The Board was made aware of the process to fill the vacancy on the Assabet School Committee in a joint meeting on June 9, 2010 at 6 p.m. at Trottier School.

- On June 1, 2010 at 7 p.m. the Board has been invited to the Scholarship Committee award ceremony.
- The Board was asked to sign a statement allowing Mrs. Kitchen to continue serving on the MIIA Board of Directors.

Consent Agenda

1. Approve minutes from March 23, 2010, April 6, 2010 – approved. The April 27th minutes were tabled.

The following were approved unanimously.

2. Place Firefighter Mark Sadowski on IOD effective April 18, 2010-April 29, 2010.
3. Accept payment in lieu of tax donation of \$46,334 from New England Center for Children of which \$6,000 is for the ladder truck donation.
4. Accept \$100 donation from Brendon Hughes for the Fire donation account.
5. Appoint Michael Cunningham as a Special Police Officer.

Other Business

1. Schedule meetings for the month of May and June.
- The Board will meet normally at 7 p.m.
 - The Board will meet at 6:30 p.m. on May 18, 2010 starting with an executive session and then continue with a regular business meeting
 - The Board will also meet on June 1 for the Scholarship Committee and then come back for their regular meeting
 - June 15 – committee appointments. The Board urged the listening audience to volunteer for all committees.

WARRANTS

157	\$439,668.71	5/7/10	TOWN PAYABLES
158	\$2,003.00	5/7/10	CHAPTER 90
159	\$8,300.00	5/3/10	TOWN PAYABLES
TOTAL	\$449,971.71		

161	\$424,739.10	5/14/10	TOWN PAYABLES
162P	\$490,358.53	5/14/10	SCHOOL PAYROLL
163P	\$231,243.03	5/12/10	TOWN PAYROLL
TOTAL	\$1,146,340.66		

The Board adjourned 7:25 pm

Respectfully submitted by Vanessa D. Hale, Assistant Town Administrator.

**BOARD OF SELECTMEN
MEETING MINUTES
May 18, 2010
MCAULIFFE MEETING ROOM**

Present: Chairman; Bonnie Phaneuf, Bill Boland John Rooney and Jean Kitchen, Town Administrator.

The Board opened the meeting at 6:30 p.m. and voted by roll call vote to enter Executive Session to discuss pending legal matters and contract negotiations. Roll Call: Phaneuf, aye; Boland, aye, Rooney, aye. The Board re-entered open session at 7:30 p.m.

Federal Assistance to Firefighters Grant application

Chief Mauro told the Board that the grant period is open until May 29. The current self contained breathing apparatus equipment does not meet current standards. They are currently on a capital plan for replacement in 2013. There was a motion by Mr. Boland to apply for a grant and 5% matching funds to come out of the Harvard donation account. Voted unanimously.

Transfer Station Rules and Regulations—Ms. Galligan updated the Board on changes. Mr. Rooney asked why revenue is declining. Ms. Galligan explained that we no longer have the curbside pickup being disposed at Millbury. Mr. Rooney would like to see fees increased given the economic time we are in. Mr. Rooney would like to have a public hearing on the possibility of raising fees from \$110 to \$150 which would generate \$78,000. Mr. Rooney would also like to charge for replacement stickers, second car and late stickers. Mr. Boland explained why we no longer charge for second stickers.

Mrs. Phaneuf recommended \$135 for first sticker, no charge for second sticker, \$65 for third, \$10 for replacement, no change for Senior Sticker. .

Mr. Boland commented it is hard for him to increase fees in this economic time. Would not stand in way if other two selectmen wanted to raise fees. Ms. Galligan recommended \$150 and no change for the 2nd sticker; \$5.00 for a replacement sticker.

Mr. Boland made a motion for \$140 and 2nd sticker free; third sticker \$50, everything else the same. Motion voted unanimously.

Motion to approve new rules and regulations with fee changes effective July 1. Voted unanimously.

Chapter 90

Ms. Galligan explained Ch. 90. and needed the Board to sign forms.

Sanitary Survey Results and Plan of Action

Ms. Galligan explained the deficiencies and compliance plan. Motion to approve Sanitary Survey Compliance Response, was voted unanimously.

Chain Saw design of tree stump

Ms. Galligan spoke to the designer today and thought about having a stump that was portable and suggested

putting it at the Gazebo in the downtown area. Ms. Phaneuf is in favor of new proposal of the portable stump. Ms. Galligan will come back with a solid proposal with community input.

Donation of Landscape services to the Library—Jane Cain, Director and Betsy Rosenbloom, Trustee, the Southborough Gardeners.

The Southborough Gardeners would like to do a landscape project for the Library; moving some materials, removing some materials, and replanting some items. Library Trustees have accepted the group's plan with exception of item 9, subject to approval of actual plan/sketch and a certificate of insurance. Ms. Phaneuf asked them to keep Ms. Galligan informed and consult with her as needed. The Trustees will ask Mr. Williams if anyone donated the bench. Ms. Galligan said there will be a replacement bench. Contractor (Rocky's Landscaping) is responsible for contacting DIG SAFE. Ms. Galligan will call DIG SAFE as she will be digging first. Motion by Mr. Boland to approve plan voted unanimously.

Reports

Town Administrator.

- Physicals for special and reserve officers—Board agreed to continue that process
- Reappointments—Mr. Boland would like to hold constables and the Municipal Facilities Committee. The Board asked to remove Tony D'Andrea from the Recycling Committee and Mrs. D'Andrea from SHOPC and Affordable Housing as the couple is moving.

Chairman, Board of Selectmen.

- The Board attended the Advisory Committee meeting on May 17th where there was discussion about a charter process. Ms. Phaneuf encouraged residents to become informed

Public comment

Mr. Hegarty requested that the Board of Selectmen consider reimbursing the legal fees personally incurred by employees recently involved in an investigation. He believes there is wide spread support for doing so.

Consent Agenda

1. Minutes of April 27, 2010 were tabled.
2. Donation of \$10,000 from Fay School for Ladder Truck-motion by Boland to accept; voted unanimously.

Other Business

1. Contract and Payable Approval Procedures—Motion by Boland to approve; voted unanimously

WARRANTS

164	\$835,470.61	5/21/10	TOWN PAYABLES
165	\$9,876.88	5/21/10	CAFETERIA PAYABLES
166	\$217,324.19	5/21/10	SCHOOL PAYABLES
TOTAL	\$1,062,671.68		

Meeting adjourned at 8:30 p.m.

Respectfully submitted by Jean E. Kitchen Town Administrator

BOARD OF SELECTMEN
MEETING MINUTES
June 1, 2010
MCAULIFFE MEETING ROOM

Present: Bonnie Phaneuf, Chairman; Bill Boland, John Rooney and Jean Kitchen, Town Administrator.

The Board opened a joint meeting with the Scholarship Committee at 7:00 p.m. at the Community Center. Open Session reconvened at the Town House at 7:47 p.m.

School Street Truck Exclusion – traffic regulations and enforcement. Tom McCarthy gave a Powerpoint presentation on the safety concerns of busses and large trucks using Latisquama Road and School Street to access St. Mark's School. Dan Mills, MDM Engineering, presented graphics of the different routes into School Street and where all the truck exclusions are. Several residents spoke in agreement with Mr. McCarthy, stating that Latisquama Road is a narrow, winding road with no sidewalks and large busses and trucks travelling the road put pedestrians in danger. Both Latisquama Road and School Street have truck exclusions but St. Mark's attorney, Ted Bassett, stated that school busses are exempt from the exclusion. A discussion followed as to whether the busses could be considered school busses as they are not yellow school busses but are large commercial charter busses. It was agreed that these busses should not be using Latisquama Road and St. Mark's School will remind the bus companies of this. School Street has had a truck exclusion since 1970 but it has never been enforced. It was suggested that large vehicles enter St. Mark's from Marlboro Road (Rte 85) but Bob Meyer, St. Mark's School Business Manager, and Police Chief Jane Moran feel that this would be a safety issue for the students on campus. Fire Chief John Mauro also felt that increased traffic on the school's internal road could block access to the fire department connection. Karen Galligan, DPW Superintendant, stated that it is not easy to get around St. Mark's area as all the roads have truck exclusions, and that St. Mark's predates those exclusions. Mr. Boland is concerned about the increase in traffic due to the redesign of St. Mark's and feels that both sides need to work to find a way to address the problem of traffic on School Street. He would like to see them use the Marlboro Road entrance. Mrs. Phaneuf agrees with Mr. Boland and feels that the residents of School Street have a legitimate concern. Also, she would like to see a copy of St. Mark's master plan, and asked them to come up with an alternate route but to stay off Latisquama Road. Chief Moran suggested that the school contract with the bus companies for smaller busses, but Mr. Meyer stated that those busses are from other schools and that St. Mark's has no control over that. He stated that he would bring the Board's concerns to his Board of Trustees and that he would inform the bus company for the summer program that they are not to use Latisquama Road and to try and reduce traffic on School Street. Chief Mauro suggested that busses be allowed to use a small section of School Street to discharge students at the athletic center and requested that they keep the main part of the campus open for emergency vehicles. Mrs. Phaneuf would like the school to meet with the Police and Fire Chiefs to come up with a plan, and to bring the plan before the Board in October. She requested that St. Mark's keep the fire lanes open and that the residents monitor the traffic and call any concerns in to the Police Department.

Town Administrator report. The Board voted unanimously to authorize Charles Gaffney to cast an MPO vote.

Consent Agenda

The Board voted unanimously to:

1. Approve the minutes of the May 11, 2010 and the May 18, 2010 meeting as amended. Since Mr. Giorlandino is no longer a Board member and Mrs. Phaneuf was absent for the April 27, 2010 meeting those minutes cannot be voted on, so stand as recorded.
2. Approve the minutes of the Executive Session of September 8, 2009 as amended and redacted, and the May 18, 2010 Executive Session, to be retained.
3. Appoint John H. Wilson, 4 Middle Road, as Veterans Agent and Burial Agent, term to expire April 30, 2011.

4. Accept a donation of \$25.00 to the ambulance donation account.
5. Accept a donation of \$250.00 to the ambulance donation account.
6. Accept a donation of \$600.00 to Recreation for improvements to Choate Field lighting.
7. Accept a donation of \$250.00 to CERT Grant account.
8. Accept the resignation of Anthony D'Andrea from the Recycling Committee, effective June 1, 2010.
9. Accept the resignation of Lydia D'Andrea from SHOPC and Affordable Housing Trust Committee, effective June 1, 2010.
10. Accept the resignation of Louis Kuchnir from the Board of Trustees, Southborough Library, effective June 1, 2010.

Other Business

1. Unanimously approved the revision of the Public Record Copy Charges Policy.
2. Voted unanimously to initiate the cable television licensing in Southborough with Comcast, pursuant to 207 CMR 3.02(1)(a), dated June 1st, 2010.
3. Voted unanimously to approve a 2% merit increase for Jennifer Hom, Administrative Secretary for Recreation, with a salary of \$18.28/hour retroactive to May 3, 2010.
4. Board comment on the Oregon Road comprehensive permit was tabled.
5. Voted unanimously to release the minutes of the Southborough Police Chief Search Committee meetings from July 15, 2009 through the conclusion of the meetings, as redacted.
6. Voted unanimously to release the Southborough Police Chief Assessment Center Report, as redacted. Mr. Rooney was in favor of releasing the minutes but not of redacting the names and scores, but voted in the affirmative.

The Board agreed to hold regular meetings on June 8, June 15, June 29 and July 13, 2010, and to meet jointly with the Southborough School Committee on June 9, 2010.

WARRANTS

168	\$3,764,007.40	5/28/10	TOWN PAYABLES
169	\$97,034.28	5/28/10	SCHOOL PAYABLES
170	\$253,588.63	5/28/10	SCHOOL PAYABLES
171P	\$504,947.14	5/28/10	SCHOOL PAYROLL
172P	\$245,321.18	5/26/10	TOWN PAYROLL
TOTAL	\$4,864,898.63		

Meeting adjourned at 10:12 p.m.

Respectfully submitted, Mary H. Lowell, Recording Secretary

[approved by the selectmen 6-15-10]

BOARD OF SELECTMEN
MEETING MINUTES
June 8, 2010
MCAULIFFE MEETING ROOM

Present: Bonnie Phaneuf, Chairman; Bill Boland, John Rooney and Jean Kitchen, Town Administrator.

The Board re-entered Open Session at 8:50 p.m.

Aldo Cipriano, Town Counsel, informed the Board that there has been a settlement on all the AT&T Personal Property cases, and that Southborough was the first community to settle. The settlement amount was reduced to \$471,629, leaving a residual amount of \$1,368,813.69 available. Mr. Cipriano and Mrs. Phaneuf commended Chief Assessor Paul Cibelli and the Board of Assessors.

Attorney Merrill request for funding of legal costs. Atty. Jack Merrill, representing Karen Galligan, Vera Kolias, Jean Kitchen and Vanessa Hale, stated that he represents four of eight employees who were called before the Board in Executive Session where accusations were made and disciplinary action was threatened. After a seven month investigation all eight were exonerated. Atty. Merrill's clients are requesting that their legal fees, approx. \$14,000, be reimbursed by the Town of Southborough under MGL Ch.258 S. 13. Mrs. Phaneuf said that a letter from Atty. Aldo Cipriano, Town Counsel, requesting more information, had not received a response. Atty. Cipriano stated that he had received no detailed back-up relative to the expenses and that there is no basis under MGL Ch.258 S.13 for reimbursement. He found, in discussions with the Town's financial people, that there are no appropriations available and that it must go to Town Meeting or Special Town Meeting. Mr. Rooney said that he had read the 140 page report twice and feels that the employees had no choice but to retain counsel. He feels that a seven month investigation is a long time to take to go through the process. Mr. Rooney is in favor of reimbursement and would like Atty. Merrill to provide detailed back-up. He respectfully disagrees with Atty. Cipriano on this. Mrs. Phaneuf said that the Town's finance officers had talked to Boston and that there is no mechanism in place to pay without invoices, other than Town Meeting. She is not comfortable doing anything without back-up. Atty. Merrill said that he would provide Atty. Cipriano with the back-up and that they had not done so previously because Atty. Cipriano had already said that he would not agree, and Atty. Merrill did not want to bill his clients unnecessarily. Mr. Boland wished that the information had been provided before tonight's meeting and that the whole situation had never happened. His underlying feeling is that four or more employees were put through a difficult time, that the Town accepted MGL Ch.258 S.13 at Town meeting and that the employees should be reimbursed. He would like more information to justify the bill and would like the Town to find a way to pay it. Mrs. Phaneuf said that all future correspondence regarding this should go directly to Atty. Cipriano. It was agreed that the parties would come back before the Board on June 29, 2010 for a decision. Mr. Boland directed the finance people to see if they could find a way to fund reimbursement.

Chief Moran – final approval of Police Lieutenant job description. Chief Moran stated that the Personnel Board approved the job description for Police Lieutenant on May 18, 2010. Mrs. Phaneuf read a letter from the Personnel Board to the BOS, dated June 8, 2010, into the record. Mr. Rooney asked for clarification on a couple of items, and agreed that there should be a Lt's position. Mr. Boland is in favor of the job description but is not sure that the Town has the funding for the position. Mrs. Phaneuf is in favor and stated that the funding had been in the budget but that the budget had been reduced. She recommended that the Police Chief stay within the budget when filling the position. It was voted unanimously to approve the Police Lieutenant's position and to allow Chief Moran to go forward with advertising the position. The town will fill one sergeant position but the fourth sergeant position will remain vacant.

Town Administrator reports.

- The Affordable Housing Trust will be meeting with the BOS to discuss more housing.
- A letter will be drafted for the Board to sign re: Environmental impact of work being done by Genzyme.
- A letter was received from Thomas McCarthy thanking the Board for holding the hearing last week on truck and bus use of Latisquama Road and School Street. It was suggested that the letter be forwarded to

the Planning Board, Police and Fire Chiefs and St. Mark's School.

- The Board will be meeting with School Committee at Trottier Library tomorrow.
- The agenda for the June 15, 2010 meeting was discussed.

Consent Agenda

1. It was voted unanimously to approve a 2% merit increase for Jean Johnson, Administrative Secretary for the DPW, to a salary of \$21.80/hour retroactive to January 2, 2009
2. The placement of Officer Scott Henderson on IOD was removed from the agenda and no action was taken.
3. It was voted unanimously to accept a donation of \$50.00 for the Fire Donation account in memory of Benita Hubley.

Other Business

1. Mr. Boland and Mr. Rooney had no comments on the Oregon Road 40B. Mrs. Phaneuf recused herself.
2. Release the redacted minutes of the October 22, 2009 Executive Session was tabled.
3. It was voted unanimously to award the contract for the Southville Road sidewalk to the low bidder A. Martins & Sons Construction, Inc., in the amount of \$167,408.52.
4. It was voted unanimously to approve the addendum to MBTA Triangle contract with Mountain View Landscape & Lawn Care, Inc. and to authorize the Chairman of the BOS to sign the contract on or after July1, 2010.

WARRANTS

173	\$823,133.83	6/11/10	TOWN PAYABLES
174	\$3,281.30	6/11/10	CHAPTER 90
175P	\$534,926.59	6/11/10	SCHOOL PAYROLL
176P	\$251,268.10	6/9/10	TOWN PAYROLL
TOTAL	\$1,612,609.82		

Meeting adjourned at 9:50 p.m.

Respectfully submitted,
Mary H. Lowell, Recording Secretary

**BOARD OF SELECTMEN
MEETING MINUTES
LIBRARY, TROTTIER SCHOOL
JUNE 9, 2010**

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-

Present: Bonnie Phaneuf, John Rooney

The Board opened a joint meeting with the Southborough School Committee at 6:00 p.m. at Trottier School.

-
Interview for Assabet Valley Regional Vocational School District Committee

Both boards interviewed Jim Denman. Motion was made by Sue Dargan, seconded by Marybeth Strickland to appoint Jim Denman until the next election. Voted unanimously 6-0.

The joint meeting was adjourned at 6:29 p.m.

The Board of Selectmen convened their meeting at 6:30 p.m.

Present: Bonnie Phaneuf, John Rooney

-
Legal Budget

-
Motion made to transfer \$4000 from Special Legal account to Town Counsel account, with the understanding that the Special Legal account should have enough remaining funds to cover May and June bill from Collins and Assoc., and the June bill of Atty. Bachrach, leaving a balance of \$4,588 verified by the town accountant on the same date. Voted unanimously.

Respectfully submitted by Bonnie Phaneuf, Chairman, Board of Selectman.

[approved by selectmen 6-15-10]

BOARD OF SELECTMEN
MEETING MINUTES
June 15, 2010
MCAULIFFE MEETING ROOM

Present: Bonnie Phaneuf, Chairman; Bill Boland, John Rooney and Jean Kitchen, Town Administrator.

The Chairman opened the meeting at 7:00 p.m.

Main Street – discussion on proposed moving of Common wall to provide parking along Main St. Karen Galligan, DPW Superintendent, explained the options available. John Bouchard, VBH Engineer, explained the options in more detail and went over the blue, green and red staked options. Ms. Galligan stated that the Planning Board had approved the blue option, which did not take any private property, requires the wall being moved two to six feet and consists of a nine foot shoulder, two eleven foot travel lanes and a four foot shoulder. Some residents did not see the need for a four foot “bike path” and were assured that the four foot shoulder was not only a bike path but also would be used for vehicles to pull over to allow emergency vehicles to pass and for snow storage. Mr. Bouchard stated that the four foot shoulder is a State requirement. Parking was an issue for some residents. Both Police Chief Moran and Fire Chief Mauro said that parking is a public safety issue and is needed in front of the two businesses impacted. Mr. Boland feels that parking is needed and that the blue option is the best. The Historical Commission reiterated their objections to the wall being moved. Mrs. Phaneuf recognizes that businesses need parking and that moving the wall will require removing two mature trees. She would like to see the utilities put underground, as part of the project, so that the poles can be removed. Mr. Boland said that he walked the Common with Don Morris of the Planning Board. He said that many of the trees are severely troubled and that this is an opportunity to improve the Common and improving the looks of the wall. Mr. Rooney stated that he has reviewed the issue and is not in favor of moving the wall, but he is in favor of public safety. After reading two letters from the Fire Chief and one letter from the Police Chief stating that there is a significant safety issue he feels that there is no choice but to move the wall. The Board agreed to:

- the plan encompassed by the blue stakes
- that the wall be moved between two and six feet
- a four foot shoulder on the north side and a nine foot shoulder on the south side
- that the wall be moved in the area staked and that it be replicated
- that Ms. Galligan make every effort to get Mass Highway to put the conduit underground and that the Town try and get the utilities put underground

Mr. Rooney would like to see the DPW and Historical Commission work together to make sure that the wall is put back correctly. It was voted unanimously to approve the plan presented tonight using the blue stakes method from Rte.85 west to beyond the Common.

Board of Health – request for transfer of funds. Dr. Louis Fazen, Board of Health Chairman, and Paul Pisinsky, Public Health Director, met with the BOS and explained that the BOH is \$1,800 short in the salary account and would like to transfer that amount from other line items in their budget. The shortfall appears to be due to increased hours for the Administrative Assistant during the H1N1 outbreak, an increase in the public Health Nurse’s salary that was not accounted for and a decrease in the budget. The Board voted unanimously to allow the transfer of \$1,800.00 into the salary account from other line items.

Reports

Town Administrator

- Mrs. Kitchen reported that she, the Police Chief and Fire Chief met with their counterparts in Ashland and Hopkinton to interview three firms who submitted proposals to conduct the regional public safety dispatch study. All parties agreed to award the proposal to Matrix Consulting group. The BOS voted unanimously to approve the contract, contingent on Town Counsel’s approval.
- Moderator, David Coombs, is actively looking to reinstate the Capital Budget Committee. He is also filling three positions on the Advisory Committee.

- The Advisory Committee is meeting on Monday, June 21, 2010 to consider reserve fund transfers.
- She has received two requests for copies of emails under the public records request.
- A letter has been sent to Senator Eldridge re: new requirements of open meeting law.
- No success in finding a Town Planner as the applicant declined.

Chairman, Board of Selectmen.

- Mrs. Phaneuf stated that the Board respects anyone who requests public records but reminds those that do that there are individuals who have to gather and put the information together, and that they make every effort to follow the law. She suggested that, since the BOS is one of three committees that are on TV and online, that individuals go online to get the agendas and minutes and that tapes are available for a \$5.00 fee. She also stated that there are limits to the response of Town Counsel. Mr. Boland concurred, saying that the minutes are posted to the website shortly after they have been approved by the BOS and that the meetings are available to be watched through Cable Access and the Town website. The cost of having an employee gather and put together the information is approx. \$20.00 and hour.
- The PILOT Committee is meeting on Tuesday, June 23, 2010 at 9:00 a.m.
- The Municipal Facilities Committee is meeting tomorrow, June 16, 2010.

Consent Agenda

1. It was voted 2-0 (Mr. Rooney abstained as he was not on the BOS at the time) to approve the minutes of the May 5, 2010 regular session. It was voted unanimously to approve the minutes of the June 1, 2010 regular session. It was voted 2-0 (Mr. Boland abstained as he did not attend the meeting) to approve the minutes of the June 9, 2010 regular session.
2. Approval of the October 22, 2009 executive session minutes was held to a later date.
3. It was voted unanimously to approve the 2010 appointments not highlighted or highlighted in green on the document dated 6/15/2010, except the Municipal Facilities Committee. All appointments highlighted in green are subject to taking the State Ethics Test. All terms expire as listed. Mrs. Phaneuf stated that she has served as BOS representative for SHOPC for seven years and that it is time for someone else to take over. Mr. Rooney agreed to be the BOS representative to SHOPC.
4. It was voted unanimously to dissolve the Public Health Advisory Committee and Police Chief Search Committee.
5. It was voted unanimously to accept the resignation of Karin Weinberg from the Youth Commission, effective June 1, 2010.
6. It was voted unanimously to accept the resignation of Kathrin Gaffney from the Youth Commission, effective June 9, 2010.
7. It was voted unanimously to accept a donation of \$1,400 from Kindergroup for the Recreation Commission.

Other Business

1. It was voted unanimously to approve a starting salary for John Parent, DPW Executive Assistant, of \$23.19/hour (SEIU Grade 3). Mr. Parent is subject to a six month probationary period.

WARRANTS

177	\$222,031.98	6/18/10	TOWN PAYABLES
178	\$14,399.79	6/18/10	CAFETERIA PAYABLES
179	\$1,736.10	6/18/10	SCHOOL PAYABLES
180	\$107,463.22	6/18/10	SCHOOL PAYABLES
181P	\$241,882.69	6/22/10	BALLON PAYROLL
TOTAL	\$587,513.78		

Meeting adjourned at 8:50 p.m.

Respectfully submitted,
Mary H. Lowell, Recording Secretary

**BOARD OF SELECTMEN
MEETING MINUTES
CORDAVILLE HALL
JUNE 21, 2010**

Present: Bill Boland, John Rooney, Jean Kitchen, Town Administrator.

Also present: Advisory Members Mark Ford, John Butler, Claire Reynolds, Jim Hegarty, John Boiardi,

Meeting called to order 7:38pm. The Board voted to enter executive session at 7:40 p.m. for the purpose of discussing strategy as to litigation. Roll Call: Boland, aye; Rooney, aye.

The meeting returned to open session at 8:41 p.m. Mr. Langella was also present.

Mr. Boland made a motion to increase the amount of the reserve fund transfer for Special Legal Account to \$50,000, Mr. Rooney seconded. The motion passed.

The Board adjourned 8:45 p.m.

Respectfully submitted by Jean E. Kitchen, Town Administrator.

BOARD OF SELECTMEN
MEETING MINUTES
June 29, 2010
MCAULIFFE MEETING ROOM

Present: Bonnie Phaneuf, Chairman; Bill Boland, John Rooney and Jean Kitchen, Town Administrator.

The Board re-entered open session at 8:10 p.m.

Attorney Merrill's request regarding funding of legal costs. Atty. Merrill stated that he and Atty. Doocey had responded to Atty. Cipriano's request for an itemized accounting of the \$14,000 fee, and asked the Board to support reimbursement of those fees. Atty. Cipriano agreed that he has received the information he had requested, that he has reviewed MGL Ch.258 S.13 and still feels that this situation is not covered under the statute, and should be sent to the insurance company for review. Mr. Rooney stated that it is time to move on from this situation. He received a letter from a resident who is in opposition to reimbursement. He has read Atty. Lampke's report as well as the minutes of the October 22, 2009 Executive Session and feels that if the objection was based on what individuals said then it should have ended there. Mr. Rooney reviewed Atty. Merrill's bill and finds the amount to be very reasonable, given that he discounted his rate and did not charge for some of the work. He is in favor of reimbursement. Mr. Boland is in favor of reimbursement, whether it is through the insurance company or Town Meeting. Mrs. Phaneuf feels that Town Meeting will make the decision and she did not take a position on reimbursement. She feels that there are situations that need to be addressed in Town Hall and with management, and that efforts should be made on both sides to correct this. Atty. Cipriano agreed to file the papers with the insurance company the next day. Irene Tibert addressed the Board and stated that she feels strongly about not paying this, and that employees need to be held accountable. Salvatore Giorlandino, former Chairman of the BOS, read a five page letter rebutting what was stated in Ms. Kitchen and Ms. Hale's letter of June 1, 2010. Mr. Boland and Mr. Rooney stated that a way needs to be found to reimburse the employees, if through insurance or not, and to move forward and end it. Mrs. Phaneuf said that the Board needs feedback from Town Counsel re: insurance payment or Town Meeting. The item will not be revisited. A copy of Atty. Merrill's letter of May 13, 2010 requesting a meeting with the BOS, Ms. Kitchen and Ms. Hale's June 1, 2010 letter and Mr. Giorlandino's letter of June 29, 2010 are attached.

Water billing fees. Brian Ballantine, Finance Director, and Karen Galligan, DPW Superintendent, told the Board that as of 6/16/2010 there were 455 water accounts with past due balances. They are considering levying a fee on those accounts, as stated in a letter to the BOS dated June 24, 2010. Since sending the letter they have found that there is a provision for a 10% penalty, but they need to look at that document closer as it may need updating. They do not feel the need to go forward tonight as there is a process in place but it needs updating. Mr. Rooney suggested sending letters to those in arrears stating that there will be a penalty for non-payment.

Municipal Facilities Committee – Final report on schematic design of Police Station. Scott Weiss gave a Powerpoint presentation on the history of the project from reviewing and evaluating the needs of the Police Department through the options of a new police station, including adding onto the back of the Fire Station and renovating and adding onto the existing building. The majority of the committee members have changed since the start of the project and the current committee is critical of the proposed design. Phil Rinehart, Facilities Manager, is against the proposed design for the reasons listed in his letter to the BOS dated June 14, 2010, including that the space is not large enough and allows no room for expansion in the future. Mr. Rooney questioned what the Town received for the money spent on the study when the committee is critical of the result. Mr. Weiss said that the plan addressed the issues at the time, but things have changed and the committee does not feel that they can move forward with this plan. Mrs. Phaneuf agreed with Mr. Rooney and added that the committee has spent a lot of time looking over the report. Police Chief Moran thanked the committee, both past and present, for the work they have done and stated that the new people see things differently. She said that a large amount of money was spent on the study, but that it may have saved the Town a significant amount of money in the long run and it is time to step back and start over, and come up with a viable plan.

Police Lt. Assessment Center – update and award contract. Police Chief Moran explained the process used

to narrow down the search for vendors. Three bids came from Mark Morse, of MMA Consulting, Wayne Sampson of Public Safety Consultants (PSC) and Patrick Rogers of Commonwealth Police. Chief Moran decided against using BadgeQuest as they had interviewed many of the officers during the Police Chief Search, and would like to keep a neutral environment at this time. After lengthy phone interviews she feels that PSC is the best candidate. The Board voted unanimously to approve the selection of PSC, as recommended by the Chief, to be retained as assessment center for the hiring of a Police Lieutenant, amount not to exceed \$4,800. The Chief provided copies of the Invitation to Bid, Departmental Procurement Form, PSC's written bid and notes from her telephone bids for promotional exam with all three companies.

Public Comment

Mr. Sam Stivers spoke against Section 127 of the House Ways and Means Committee's Economic Development Bill which would extend all building permits for 3 years, as he feels that the decision should be left to the towns and not the State. He asked the BOS to write a letter to the State Representatives stating that they are not in favor of the bill. The Board voted unanimously to do so. Copy of MMA Legislative Alert dated 6/25/10 attached.

Reports

Town Administrator:

- The bill changing the Open Meeting Law requirements goes into effect on July 1, 2010. Mrs. Kitchen explained, and provided a copy of the requirements, to the Board and the Recording Secretary. Copy of a summary of the requirements provided by Brian W. Riley, Esq. of Kopelman and Paige, P.C., and copy of M.G.L. Ch. 30A S 22 – Minutes, and M.G.L. Ch 30A S 24 – Investigation and Enforcement attached.

Mr. Boland.

- Attended the 250th Anniversary dinner of the Metrowest Growth Committee.

Consent Agenda

1. It was voted unanimously to approve:
 - The minutes of the June 8, 2010 regular session, as amended.
 - The minutes of the June 15, 2010 regular session, as amended.
 - The minutes of the June 21, 2010 regular session.
2. It was voted unanimously to approve and retain the minutes of the June 21, 2010 executive session.
3. Approval of the October 22, 2009 executive session minutes was tabled to executive session to be held on July 8, 2010 at 4:00 p.m.
4. It was voted unanimously to approve the annual appointments as listed on the document titled "2010 Annual appointments" dated 6/29/2010, with terms to expire as stated on the document.
5. It was voted unanimously to approve the transfer of \$10,160.00 from DOR for the special election to the Elections and Registration budget, as requested in a memorandum from Carla McAuliffe, Town Accountant, and dated 6/21/2010.
6. It was voted unanimously to approve FMLA leave for Jennifer Low, Children's Library, beginning on June 17, 2010 for 12 weeks.

Other Business

1. It was voted unanimously to approve and sign the MBTA Triangle contract with Mountain View Landscapes & Lawn Care, Inc. Requested by Karen Galligan, DPW Superintendent, in a memorandum dated June 3, 2010, including a copy of change order number 003.
2. It was voted unanimously to appoint Atty. George A. Balko III, of Bowditch and Dewey, as Special Counsel for the regional school debt issue.
3. It was agreed to schedule regular meetings for July 13, 2010, August 3, 2010 and August 24, 2010.
4. It was voted unanimously to approve implementing a voluntary odd/even watering ban under Chapter 162 of the Code of the Town of Southborough. The ban would be in effect from June 30, 2010 through September 22, 2010. As requested in a letter from Karen Galligan, DPW Superintendent, dated June 23,

2010.

Mail received

1. Letter from Commonwealth of Massachusetts Division of Standards regarding Sealer of Weights and Measures Annual Report.
2. Letter from AFSCME – petition for Mediation.

WARRANTS

182	\$270,682.35	6/25/10	TOWN PAYABLES
183	\$112,001.72	6/25/10	SCHOOL PAYABLES
184P	\$416,875.01	6/25/10	SCHOOL PAYROLL
185P	\$272,823.23	6/23/10	TOWN PAYROLL
TOTAL	\$1,072,382.31		

186	\$108,295.18	6/30/10	TOWN PAYABLES
187	\$623,236.28	6/30/10	SCHOOL PAYABLES
188	\$2,528.00	6/30/10	CHAPTER 90
TOTAL	\$734,059.46		

FY 11

1	\$1,355,455.18	7/2/10	TOWN PAYABLES
TOTAL	\$1,355,455.18		

Meeting adjourned at 10:02 p.m.

Respectfully submitted,
Mary H. Lowell, Recording Secretary

BOARD OF SELECTMEN
MEETING MINUTES
July 13, 2010
MCAULIFFE MEETING ROOM

Present: Bonnie Phaneuf, Chairman; Bill Boland, John Rooney and Jean Kitchen, Town Administrator.

The Board re-entered open session at 7:50 p.m.

Discussion of MOU for Police Lieutenant. Police Chief Moran and the Board discussed differences between the Police contract and the SAP, as set forth in a memorandum from Town Administrator, Jean Kitchen dated July 7, 2010, and emails from Chief Moran, Assistant Town Administrator Vanessa Hale, and Attorney Tim Norris. Several items that do not pertain to the SAP will remain the same however, the number of holidays and the number of sick days requiring a doctor's note were changed to agree with the SAP. It was agreed that call back would be allowed if all other officers had been called back. Vacation time and sick leave need further discussion.

Reports.

Town Administrator

- MIIA Grants and Credits and Mrs. Kitchen's vacation schedule, as reported in a memorandum from Mrs. Kitchen dated July 13, 2010.
- A local Boy Scout would like to redo the historic Town Pound behind the Town House, where animals used to be impounded, as his Eagle Scout project. The project involves cleaning up the area by pulling out shrubs and weeds and mulching. The Historical Commission approves of the plan and Ms. Galligan will oversee the work.

Consent Agenda

1. It was voted 2-1 (Mrs. Phaneuf - yes, Mr. Boland – yes, Mr. Rooney – no) to approve the minutes of the October 22, 2009 Executive Session and to release the redacted minutes from that meeting. Mr. Rooney read into the record a statement (attached) explaining why he feels that the situation did not warrant an Executive Session, and why he does not think that the minutes should be redacted.
2. It was voted unanimously to approve the minutes of the June 29, 2010 Executive Session.
3. It was voted unanimously to appoint Donna Freeman, 47 Woodbury Road, Southborough to the Youth Commission for a term to expire June 30, 2011. Ms. Freeman submitted a Town Volunteer Form and a resume, and her appointment was put forward, and supported by, Laurie Sugarman- Whittier, Director, SYFS, and Eileen Mullins, Chair, Southborough Youth Commission, in a letter to the BOS dated June 29, 2010.
4. It was voted unanimously to appoint Mark W. Murphy, 11 MacNeill Drive, Southborough to the Recreation Commission for a term to expire June 30, 2013. Mr. Murphy submitted a request for re-appointment.

Other Business

1. It was voted unanimously to award the contract for water main installation on Parkerville Road to low bidder Tiffany Equipment and Construction Corporation, 100 Mary Ann Way, Taunton MA 02780, in the amount of \$135,800.35, as requested by DPW Superintendent, Karen Galligan, in a letter dated July 8, 2010. Ms. Galligan's letter included a copy of the bid advertisement and a copy of a bid list spreadsheet titled "Parkerville Road Water Main Replacement". Funding will come from Annual 2008 Town Meeting, Article 20, Water Systems Improvements, Line Item 3484-6-451-580-58910.
2. It was voted unanimously to award the contract for painting the Oak Hill water tank to low bidder Prime Coating of Salisbury, MA, in the amount of \$400,500. Part of the funding will come from a 2009 Annual Town Meeting article, and the rest from a 2004 Annual Town Meeting article.

3. It was voted unanimously to approve the draft of the Town Meeting Guide, as received and amended this evening.
4. There may not be funds to cover reimbursement of employee legal fees, but MIIA has agreed to do an additional review.

MAIL RECEIVED

1. Public records request from Evan Lips, Metrowest Newspaper re: 140 page report of Atty. Lampke; Executive Session minutes of Sept. 8, 2009 and Oct. 22, 2009; and various emails of Ms. Kitchen, Ms. Hale, Ms. Kolias and Ms. Galligan
2. Public records request from Atty. Merrill re: 140 page report of Atty. Lampke.
3. Request for comments from ZBA on 40B project–Oregon Rd.
4. Central Massachusetts Mosquito Control Project Annual Report 2009.
5. Atty. Bassett re: St. Mark's truck exclusion.
6. Southborough Housing Authority re: septic issues.

WARRANTS FY 10

189	\$80,161.75	6/30/10	TOWN PAYABLES
190	\$1,832.80	6/30/10	CHAPTER 90
191	\$114,186.04	6/30/10	TOWN PAYABLES
192P	\$346,056.76	6/30/10	SCHOOL PAYROLL
193P	\$276,196.29	6/30/10	TOWN PAYROLL
TOTAL	\$818,433.64		

WARRANTS FY 11

2	\$545,559.10	7/9/10	TOWN PAYABLES
3	\$55,052.57	7/7/10	SCHOOL PAYROLL
TOTAL	\$600,611.67		

WARRANTS FY10

194	\$4,485.85	6/30/10	CAFETERIA
195	\$176,470.95	6/30/10	SCHOOL PAYABLES
196	\$138,082.52	6/30/10	SCHOOL PAYABLES
TOTAL	\$319,039.32		

WARRANTS FY11

4	\$37,473.81	7/16/10	TOWN PAYABLES
TOTAL	\$37,473.81		

It was voted unanimously to adjourn the meeting at 8:46 p.m.

Respectfully submitted, Mary H. Lowell, Recording Secretary

**BOARD OF SELECTMEN
MEETING MINUTES
August 3, 2010
MCAULIFFE MEETING ROOM**

Present: Bonnie Phaneuf, Chairman; Bill Boland, John Rooney and Jean Kitchen, Town Administrator.

The meeting was opened by the Chairman at 7:00 p.m.

Changes to Town House downstairs interior – Phil Rinehart, Facilities Manager. Phil Rinehart, Facilities Manager, explained that the noise level on the first floor of the Town House is causing problems for some employees. He would like to put a door on the Finance Director's office so that he can have some privacy, and put an 8' wall around the Town Accountant and her Assistant, as explained and shown in a memo dated July 29, 2010. Brian Balantine, Finance Director, stated that the accounting offices are in the busiest area of the Town House. Mr. Boland said that he is fine with putting the door on Mr. Balantine's office, but does not feel that having a wall that is open on top will solve the noise problem. Mr. Rooney agreed that it will not solve the problem in the Town Accountant's office. On questioning from Mrs. Phaneuf, Mr. Rinehart expects the work to be done in-house on Friday afternoons and Saturdays, which would involve some overtime pay. He estimates that it would cost approximately \$1,200 for labor and materials. Mr. Rinehart feels that, rather than adding a wall, it may be better to look at moving offices in the Town House. Mrs. Phaneuf suggested holding off on the work for now and bringing an alternative plan before the Board on August 24, 2010, but did agree with the door in the finance director's office.

Planning Board – Planning Board's role responsibility and authority regarding employees under Planning Board purview. This meeting of the Planning Board and Selectmen was requested in a letter from the Planning Board dated June 9, 2010, signed by Charles Gaffney, Chairman. The Planning Board was asked if they would like to hold off until 8:30 p.m. as Town Counsel is at another meeting. Mr. Gaffney declined. Mr. Gaffney said that this meeting was to be held at an earlier date, but that the Planning Board had to postpone until now. Mrs. Phaneuf stated that the Town Planner is under the supervision of the Planning Board for day-to-day matters but may come under BOS supervision if appointed to a committee or Board by the BOS. Mr. Boland agreed and stated that a mistake had been made previously and that he would resign before letting that happen again. Mr. Rooney said that he had read correspondence regarding the situation that Mr. Boland referred to, and that he would never let that happen. He also stated that nobody should be kept in the dark about what was going on with a Board member. Planning Board member Don Morris said that a new Town Planner needs to know who they work for and that the Town Planner is only the responsibility of the Planning Board, and that no other committee or board can authorize the Planner to do anything without going to the Planning Board first. Mrs. Phaneuf and Mr. Boland agree that if the activity is strictly planning then it is the responsibility of the Planning Board, but if it is for a board or committee then they are working for the Town. Mrs. Phaneuf explained that the BOS supervises committees that they appoint. Mr. Rooney feels that nothing precludes the Boards working together and stated that at least two members of the BOS would resign if the previous situation ever arises again. Mr. Morris still feels that the Planner should have only one supervisor but Mr. Boland said that there may be a time when they would come under BOS supervision. Mr. Rooney explained that if the Planner was working on planning matters then it would be under the Planning Board, but if they were doing something for a committee appointed by the Selectmen, then it would be under BOS jurisdiction.

Tree Hearing – 72 Marlboro Road. Bill and Melissa Shields were before the board with Mr. Shields' father, Bill Shields, to appeal the Tree Warden's decision of August 26, 2009 not to remove the large tree at 72 Marlboro Road. Mrs. Shields handed out a packet containing copies of the June 29, 2010

Shields family letter to the BOS and DPW Superintendent Karen Galligan; a July 15, 2009 letter to DPW Superintendent Karen Galligan and Tree Warden Richard Rock; a March 30, 2003 letter to the DPW Superintendent John W. Boland and the Tree Warden Brian Mauro; a July 7, 2010 letter of support from Cheryl Levesque, Business Director, Northborough-Southborough Schools; a June 24, 2010 email from Ms. Levesque to Ms. Galligan; the minutes of the August 26, 2009 tree hearing; a July 22, 2010 letter from Police Chief Jane Moran to Mrs. Shields; a July 16, 2010 email from Sgt. Timothy Slatkavitz to Mrs. Shields re: speeding citations on Marlboro Rd. from 7/1/2004 to 7/16/2009; a June 21, 2010 email from Mrs. Shields to Rick Mattioli requesting updated speeding citation figures from 7/16/2009 to present; Mr. Mattioli's June 22, 2010 response; Ms. Shields June 23, 2010 response to Mr. Mattioli; Mr. Mattioli's June 29, 2010 response to Ms. Shields; Letters of support from Carolyn and Derek Burnham, Alyssa and Brad Adams, Owen and Kristin Bard and Larry and Laurie Chase and a July 27, 2010 letter from Police Chief Moran to Chairman Bonnie Phaneuf, BOS. Mrs. Shields explained that they have problems driving in and out of their driveway due to a large tree blocking the line of sight. They also have had issues with the school bus not stopping to pick up their son because the driver does not see them standing there, and they feel that the tree is a clear and present danger. Several residents spoke both for and against removing the tree. Mrs. Shields stated that the Police, Fire, DPW, and School all support the removal of the tree. Karen Galligan, DPW Superintendent, said that she is in favor of the appeal process but stands by the Tree Warden and BOS decisions. Mrs. Phaneuf said that she visited the property and that she has voted against multiple tree removals but that the speed is excessive on Marlboro Road and is in favor of removing the tree. Mr. Boland is aware of their concerns but feels that if the bus driver constantly misses the stop then it is a problem with the driver, and needs to be brought to the attention of the bus company. He said that he drove by multiple times and feels that this is not a unique situation as the town has many trees close to the side of the road, with some situations being much worse. He doesn't see that it is much of a hazard and pointed out that there are three trees across the road that are as problematic. Mr. Rooney pointed out that this is his first tree hearing and sympathized with the Shields family. He feels that putting a mirror across the street may alleviate the problem, and he asked Ms. Galligan if a bus stop warning sign could be put up. He feels that the tree should not be removed as it is part of the rural character of the town, and it would set a precedent for future requests. It was voted 2-1 (Mr. Rooney – yes, Mr. Boland –yes, Mrs. Phaneuf – no) to deny the appeal and uphold the Tree Wardens ruling. Mrs. Phaneuf directed the Town Administrator to contact the School Department about the bus, The Police Department for radar, the DPW for a sign and to have tree branches trimmed. Mr. Rooney suggested that they send a letter to the bus company requesting that their best driver be put on that route.

Little League presentation: The Board welcomes the Southborough Little League team.

Library Trustee interviews. The Library Trustees explained that they had posted a vacancy notice and had received three resumes, which were provided to the BOS, and that they had met with each of the candidates. Each of the candidates is highly qualified for the position, and they have brought them forward for the Board's review.

- **Nancy Mayo.** Ms. Mayo has been a resident of Southborough for 14 years and is a Product Manager for a global communications company. She feels that she has the time, the business experience and background to help the Town. She loves reading and feels that the library is a valuable asset. In response to Mrs. Phaneuf's question regarding any programs that need to be added, she sees support for job seekers, the opportunity to apply for grants and that technology could be upgraded. Mr. Boland asked if she would be willing to seek re-election to the position in the next election and Ms. Mayo replied in the affirmative. When asked by Mr. Rooney why we need a Town library she responded that it provides a wealth of services, including books, DVDs and audio books free of charge, which is important in these economic times.

- **Laura McCarthy.** Ms. McCarthy is a VP/Executive Recruiter with a background in sales and marketing. Up until recently she served as a Library Trustee, and enjoyed doing so. She feels that we need to start thinking of libraries and librarians as data movers and researchers. Mr. Rooney asked what the biggest issue is, besides the budget, and her response was the long term plan, taking into consideration the facility and how it fits into long term planning.
- **Terry Ryan.** Mr. Ryan has a background in business, marketing and brand strategy consulting. He feels that the library is the cornerstone of Southborough – a meeting place for residents, and the staff and people draw him there. He would like to get involved in long term planning, and would be willing to run for re-election if he feels that it is working well.

The Library Trustees and the Board voted unanimously (7-0) to appoint Laura McCarthy as Library Trustee.

Reports. The Chairman and Town Administrator had no reports.

Consent Agenda

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| <ol style="list-style-type: none"> 1. It was voted unanimously to approve the minutes of the June 29, 2010 and July 13, 2010 meetings. 2. It was voted unanimously to appoint Frederica J. Gillespie, 78 Southville Road, to the Southborough Stewardship Committee as Open Space Preservation Commission representative, term to expire June 30, 2011. Ms. Gillespie was recommended, and put forward for appointment, in a letter from the Southborough Open Space Preservation Commission dated July 6, 2010, and signed by Meme Luttrell, Chair. 3. It was voted unanimously to sign the warrant for the September 14, 2010 State Primary election. The Board signed the warrant. 4. It was voted unanimously to approve a 2% merit increase for Kelly Rovedo, Communications Officer, SEIU Grade 2, to a salary of \$17.19/hour effective August 4, 2010. The increase was requested, and recommended, by Police Chief Jane Moran in a letter dated July 13, 2010. Employee performance review documents are not public record and, therefore, are not attached. 5. It was voted unanimously to approve FMLA leave for Patrice Kline from July 2, 2010 to July 12, 2010. 6. It was voted unanimously to appoint Kathleen B. Bartolini, 8 View Hill Road, to the Metrowest Growth Management Committee as Transportation Task Force representative, term to expire June 30, 2010. 7. It was voted unanimously to award the roadway salt contract, through the Town of Acton bid, to the low bidder, Eastern Minerals, Inc, 134 Middle Street, Suite 210, Lowell MA 01852, in the amount of \$56.97/tn. Karen Galligan, DPW Superintendent, recommended the low bidder in a letter dated July 26, 2010 that included a copy of the bid advertisement and the invitation for bids. Ms. Galligan explained that Southborough bids through a consortium with the Town of Acton and twelve other towns (listed in the bid documents). 8. It was voted unanimously to approve awarding the contract for Cultural Arts Phase II to Quality Contracting, INC, the sole bidder, in the amount of \$138,305, with the understanding that the building may have hazardous materials, and subject to discussion with Town Counsel on Section 15.2.2 (page 17) of the contract.
It was also voted unanimously to approve awarding the painting sub-contract to One Way Painting. The request for approval was made by Phil Rinehart, Facilities Director, in a memo dated 7/27/2010 and included a copy of "Abbreviated Standard Form of Agreement Between |
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Owner and Contractor for Construction Project of Limited Scope where the basis of payment is a STIPULATED SUM" (AIA Document A 107-1997) and the contract.

Other Business

1. Approval of MOU for Police Lieutenant was tabled.
2. It was voted unanimously to approve the Committee Handbook as revised and with attachments. The handbook will be sent to committee chairmen for distribution, and will be available on the town website. At Mr. Rooney's suggestion it was agreed that each committee member will sign off that they have received a copy of the handbook.
3. The Board will meet on September 7 and 21, 2010 and October 5 and 19, 2010.

Mail Received

1. Letter from Peter Norden, re: Aflac insurance (received 7/12/10).
2. Town Counsel response to committee inquiries.

WARRANTS (FY11)

5	\$841,489.22	7/23/10	TOWN PAYABLES
6	\$10,192.50	7/23/10	CHAPTER 90
7P	\$321,084.67	7/21/10	SCHOOL SUMMER PAYROLL
8P	\$78,486.49	7/21/10	SCHOOL PAYROLL
9P	\$330,753.91	7/21/10	TOWN PAYROLL
TOTAL	\$1,582,006.79		

10	\$162,639.85	7/30/10	TOWN PAYABLES
11P	\$1,308.45	7/22/10	CORRECTION PAYROLL
TOTAL	\$163,948.30		

12	\$183,700.37	8/6/10	TOWN PAYABLES
13	\$410.80	8/6/10	CHAPTER 90
14P	\$316,144.69	8/4/10	SCHOOL SUMMER PAYROLL
15P	\$90,559.34	8/4/10	SCHOOL PAYROLL
16P	\$248,897.63	8/4/10	TOWN PAYROLL
TOTAL	\$839,712.83		

Meeting adjourned at 9:25 p.m. by unanimous vote.

Respectfully submitted,

Mary H. Lowell, Recording Secretary

**BOARD OF SELECTMEN
MEETING MINUTES
August 24, 2010
MCAULIFFE MEETING ROOM**

Present: Bonnie Phaneuf, Chairman; Bill Boland, John Rooney and Jean Kitchen, Town Administrator.

The Chairman opened the meeting at 7:00 p.m.

Police Chief Moran.

- 1. Promotional Policy approval.** Chief Moran explained to the Board that the Police Department currently does not have a promotion policy, and that she did some research on the subject and drafted the document entitled "Promotions" after the non-civil service model. Each of the Board members expressed their concerns about some of the wording, and suggested changes. The Board requested that Chief Moran work up the changes and then get the document back to them. During this discussion the Town House lost partial power and most of the lights in the meeting room went out. The rest of the meeting was unable to be recorded as power went out to the recording console.
- 2. Request for benefits for temporary assignment.** Chief Moran explained the situation, as stated in her letter to the BOS dated July 29, 2010. An officer on midnight shift will be out on IOD for an extended period of time and a Reserve Officer is currently working the officer's shift full-time. Chief Moran would like to provide the Reserve Officer with the benefits afforded a full-time employee, on a temporary basis. Mr. Rooney asked if that would make him eligible for COBRA when the full-time position ends. Mr. Boland is concerned that it would cost the Town more in the long run because of unemployment and retirement benefits. Mrs. Phaneuf had similar concerns. Mr. Rooney suggested holding this until the next meeting and seeking legal counsel. Chief Moran would like to see this approved as the officer is on duty with no health insurance or sick time. The item was held until the September 7, 2010 meeting for recommendation of labor counsel.
- 3. Police Lieutenant: Approval of position benefits.** Chief Moran and the Board discussed a letter, dated August 17, 2010, from Atty. Tim D. Norris of Collins, Loughran & Peloquin, P.C, regarding Police Lieutenant benefits, and the document entitled "Police Lieutenant Conditions of Employment Policy". Mr. Rooney asked if the Personnel Board had seen these documents, and on being told that they had not he said that he would like to have their input as he is concerned about a department head receiving overtime pay when other department heads do not. Mr. Boland does not think that a Lieutenant should be filling in for a patrolman. A copy of the "Police Lieutenant Conditions of Employment Policy" is to be sent to the Personnel Board and Labor Counsel for vetting.
- 4. Potential Closing of Westborough court.** Just as discussion on this item was about to start the fire alarm went off and the building was evacuated.

WARRANTS (FY11)

17	\$387,683.69	8/20/10	TOWN PAYABLES
18	\$95,979.36	8/20/10	SCHOOL ENC PAYABLES
19P	\$314,146.65	8/18/10	SCHOOL SUMMER PAYROLL
20P	\$77,450.70	8/18/10	SCHOOL PAYROLL
21P	\$261,950.52	8/18/10	TOWN PAYROLL
TOTAL	\$1,137,210.92		

22	\$957,047.05	8/27/10	TOWN PAYABLES
23	\$4,553.99	8/27/10	SCHOOL PAYABLES
24	\$32,309.04	8/27/10	SCHOOL ENC PAYABLES
TOTAL	\$993,910.08		

The meeting was adjourned at 8:05 p.m. after finding out that it would be some time before power was restored to the building.

Respectfully submitted,
Mary H. Lowell, Recording Secretary

**BOARD OF SELECTMEN
MEETING MINUTES
September 1, 2010
MCAULIFFE MEETING ROOM**

Present: Bonnie Phaneuf, Chairman; Bill Boland, John Rooney and Jean Kitchen, Town Administrator.

Mrs. Phaneuf opened the meeting at 6:45 p.m. – this is a continuation, with some additions, of the August 24, 2010, meeting that was interrupted by a fire alarm and power failure.

Discussion with Personnel Board, Police Chief – Police Lieutenant: Approval of position benefits. The Personnel Board and Chief Moran met with the BOS to discuss the Police Lieutenant's position. All agree that this is a unique situation and that the SAP should be changed to reflect that. Changing the SAP requires a Town Meeting vote. The Personnel Board will work on a document to bring before Town Meeting.

Police Chief Moran

- **Request for benefits for temporary assignment.** A Reserve Officer is filling in full-time for an injured officer and Chief Moran would like him to receive health insurance and benefits. Mr. Boland thinks that the Reserve Officer is a great guy and doing a good job, but he cannot vote to put the Town in the position of paying unemployment when the position ends. Chief Moran does not think that unemployment would be an issue as there is always work for Reserve Officers, so he wouldn't be applying for unemployment. Mr. Rooney feels that it would be nice to give him the medical benefits. Chief Moran said that she will have to pay overtime to fill the position with full-time officers. Mr. Rooney is in favor of paying the Reserve Officer and giving him medical benefits but is concerned about the unemployment issue. Mrs. Phaneuf is in favor of paying overtime as, in the long run, it will cost less than paying unemployment. The issue could be revisited later to see the overtime costs. It was voted unanimously to have the Chief fill the position with the Reserve Officer for no more than 20 ours, and to use overtime as necessary. Mr. Boland suggested that they ask Labor Counsel if the clock starts over if the time is interrupted and then they start over. Will try for a definite answer on September 7, 2010.
- **Potential closing of Westborough court.** Chief Moran provided the Board with a copy of a letter that she wrote to Chief Justice Lynda Connolly regarding the closing of the Westborough District Court. Chief Moran stated that the closing of the courthouse will cost more as it takes longer to get to Worcester, will cost more to transport abuse victims to the courthouse and there is no free parking in Worcester. The Chief requested that the Board also write to the Chief Justice. It was voted unanimously so support Chief Moran's concerns and to write a letter to Chief Justice Connolly.

Fire Chief Mauro

- **Approval to advertise for vacancy.** Chief Mauro received a letter of resignation, dated July 21, 2010, from Firefighter/ Paramedic Ryan D. Cringan. The Chief wrote a letter to the Board, dated July 26, 2010, requesting that they lift the hiring freeze to allow him to advertise for a firefighter to replace Mr. Cringan. This position is already budgeted. The Board voted unanimously in support of Chief Mauro's request and to allow him to advertise for a Firefighter/ Paramedic.
- **Community Emergency Response Team (CERT) grant offered by the Mass. Emergency Management Agency.** Chief Mauro and Neal Aspesi came before the Board to request approval to reapply for a Massachusetts Citizens Corps reimbursable grant. Both Mr. Aspesi and Chief

Mauro stated that CERT has been invaluable as they helped with traffic control, a house burn, the RT.85 overpass issue, Heritage Day, dispensing H1N1 vaccines and have been trained to operate emergency shelters. The grant money would pay for much needed equipment. The Board voted unanimously to support applying for the Massachusetts Citizen Corps Reimbursable Grant Program, as outlined this evening.

COA Grant from BayPath for COA Volunteer Coordinator. Pam LeFrancois, Senior Center Director, requested that she be allowed to accept \$4,680 in grant money to be used to increase the hours of the Senior Center Program Coordinator, as stated in her letter to the Board dated August 9, 2010. The grant money would give the Program Coordinator an additional 20 hours per month, to be utilized on intergenerational programs with the local schools. The Board voted unanimously to approve the request. It was suggested that the Program Coordinator sign a letter stating that they know that the hours will return to normal at the end of the grant.

Reports.

Chairman.

1. At the Triangle Committee Meeting Mrs. Phaneuf requested, on behalf of the BOS, that this project be completed ASAP. The DPW Superintendent feels that the end of October is reasonable.
2. The PILOT Committee completed their report and the next step is direction from the BOS.

Town Administrator.

1. Vote to have a public hearing on Mr. Aswad. Chief Mauro stated that Mr. Aswad has a history of non-compliance of underground storage tanks and recommends a hearing to revoke his license. The Board voted unanimously to schedule a hearing.
2. The Planning Board has found a Town Planner. He is Eric Denoncourt, who currently is Town Planner for Shrewsbury.
3. Work is starting on the replacement of the water main on Parkerville Road and will take about 8 weeks.
4. Work is starting on the Smithville Road sidewalk. The State will be using civilian flaggers on this project.
5. MIIA held a meeting to stabilize rates.
6. Training videos have been released re: high speed pursuit, etc.
7. Heritage Day is October 11, 2010.
8. Repairs to the Police Station.
9. Letter from Karen Galligan re: repairs to the Oak Hill Storage tank and the Overlook tanks, requesting that residents conserve water.

Mr. Rooney

- Stated how proud he is of the Little League team.

Consent Agenda

1. The minutes of the April 28, 2010 Executive Session were held for a later meeting. Voted unanimously to approve, and release, the minutes of the May 5, 2010 Executive Session. Voted unanimously to approve the minutes of the August 3, 2010 Regular Session.
2. Voted unanimously to appoint Kathleen B. Bartolini, 8 View Hill Road, to the Metropolitan Area Planning Council as an alternate, term to expire June 30, 2013 (letter from MAPC to Mrs. Phaneuf, dated 8/11/2010, stating that representation had expired on June 30, 2010); appoint

Mrs. Bartolini to the Zoning Advisory Committee; and to the Metrowest Regional Transit Authority [both terms to expire June 30, 2011].

3. Voted unanimously to appoint Steven Paquette, 136 Middle Road, to the Recycling Committee, term to expire June 30, 2011. Mr. Paquette stated his willingness to serve on a Town Volunteer Form.
4. Voted unanimously to appoint Bonnie Phaneuf to the Southborough Emergency Planning and Management Committee as Primary, Head of Government – Executive Control; Bill Boland to the Southborough Planning Management Committee as First Alternate, Head of Government – Executive Control and John F. Rooney, III, to the Southborough Emergency Planning Committee as Second Alternate, Head of Government – Executive Control, terms to expire June 30, 2011 as stated on the document entitled “Amendments to the BOS Agenda Tues. Aug 4”, and a letter dated August 2, 2010, from Neal Aspesi, Director of Operations, SEPMC.
5. Voted unanimously to approve a 2% merit increase for Susan Wood, Administrative Secretary for Treasurer/Collector, SEIU Grade 2, with a salary of \$18.26/hour effective September 9, 2010. An Employee Evaluation was provided, but is not public record.
6. Voted unanimously to accept a donation of \$250.00 from The New England Center for Children to be allocated to the CERT Account, as requested by Fire Chief Mauro in a letter Dated August 10, 2010. Also, \$65.00 for Southborough Youth and Family Services, from a client, as requested in a letter from Laurie Sugerman-Whittier, Director SYFS, dated August 12, 2010.

Other Business

1. Voted unanimously to approve the restoration of the Town Pound, as requested by Eagle Scout Christopher McKay. (Email from Chris McKay to Mrs. Kitchen inquiring if BOS approval needed. Email response from Mrs. Kitchen. Letters of support from David Falconi, Historical Commission Chairman, and Karen Galligan, DPW Superintendent.
2. Voted unanimously to award the FY11 heating oil bid to low bidder Falconi Oil at \$2.47/gallon, contract to run from July 1, 2010 through June 30, 2011, as stated in a memo from the Phil Rinehart to Jean Kitchen dated August 19, 2010 which included the Bid List, Bid Form, Legal Ad and confirmation of Goods and Services submission from the Secretary of the Commonwealth.
3. Promotional policy approval was held to the meeting of 9/7/2010
4. Voted unanimously to request the release of telecom funds from the overlay account.

Mail Received

- Letter from Nancy Buck
- Worcester Reg. Retirement System – notice of meeting
- Public Employees Retirement (PERAC) re: early retirement incentive program
- Sen. Eldridge update on state budget
- Lowell City Manager home rule petition for health insurance plan design
- CD on FEIR (Fed. Envir. Impact Report) for Legacy Farms (Hopkinton)
- Letter from Rep. Dykema
- Foundation for Metrowest annual report
- Public Records request from Evan Lips for Atty. Lampke’s invoice
- Beals and Thomas regarding EMC Conservation restriction
- Letter from Joanne Moss
- Letter from John & Susan Pomfret

WARRANTS (FY11)

25	\$1,837,912.34	9/3/10	TOWN PAYABLES
26	\$90,278.36	9/3/10	SCHOOL PAYABLES
27P	\$499,566.75	9/1/10	SCHOOL PAYROLL
28P	\$249,274.38	9/1/10	TOWN PAYROLL
TOTAL	\$2,677,031.83		

Meeting adjourned at 8:26 p.m. by unanimous vote.

Respectfully submitted,
Mary H. Lowell, Recording Secretary

**BOARD OF SELECTMEN
MEETING MINUTES
September 7, 2010
MCAULIFFE MEETING ROOM**

Present: Bonnie Phaneuf, Chairman; Bill Boland, John Rooney and Jean Kitchen, Town Administrator.

The Chairman opened the meeting at 7:00 p.m.

PILOT Committee presentation. Committee members Bonnie Phaneuf, Paul Levenson, Jim Kane Brian Ballantine and Paul Cibelli submitted their report to the Board. , Mr. Ballantine, Mr. Cibelli and Mr. Kane summarized the “FY10 Payment In Lieu of Taxes (PILOT) Committee Final Report” dated June 29, 2010. Mr. Ballantine explained that previously they had analyzed the non-profits but this time they got input from other towns. He stated that the biggest thing was to have ongoing engagement with the non-profits – maybe establish a working group. Mr. Kane recommended putting together a five year plan and reaching out to other towns to see how they do it. Mrs. Phaneuf encouraged all residents to review the document, which will be posted on the Town’s website. Mr. Boland feels that they did a very good job on the report but is not sure how to go forward, as it is the Board’s job to solicit funds. Mr. Rooney is enormously impressed with the report and thinks the Town should be a lot more proactive. He would like to keep the committee together and come up with a strategy. Mrs. Phaneuf recommended sending a formal letter, with a copy of the report, to all the non-profits. Mr. Kane stated that the New England Center for Children is the model in the way to do it as they are responsible for 75% of all PILOT contributions. It was voted unanimously to continue the committee, consisting of Jim Kane, Brian Ballantine, Paul Cibelli, Paul Levenson and Jean Kitchen, and to send a copy of the report to all the non-profits in town.

Pole Hearing – Newton Street. Paul Schneider, Verizon, explained that the poles are out of line and moving this pole will straighten it up. No guide wire will be needed and the old pole will be removed when all the wires have been removed. Mrs. Phaneuf was concerned as to how long it could take to remove the pole. It was voted unanimously to approve relocating Pole # 107/33, on the westerly sideline of Newton Street, approximately 3 feet east and 36 feet north of existing Pole # 107/33, as stated in a hearing notice dated August 25, 2010, on condition that the pole be removed within thirty days of the last wire being removed from the pole. Tony Kwan spoke in support of moving the pole and thanked Verizon for doing so.

Cable Committee – update on Charter renewal (contract) negotiations. Paul Ferguson, Cable Committee, recommends rejecting Charter’s renewal proposal as they are not in compliance with the RFP. The terms of the RFP were equivalent to Verizon’s, however, Charter is now proposing to provide 3% of its Gross Annual Revenues (GAR) and \$50,000 in capital funding in year 5 of its Renewal License term (2015), as spelled out in a September 7, 2010 Charter License Renewal document from Southborough Cable Television Committee, while the Town has proposed 3% of its GAR and \$100,000 in capital, which is the same as that provided by Verizon. Mr. Ferguson stated that it is important to maintain a level playing field. It was voted unanimously to reject Charter’s proposal and to have them be in compliance with the RFP.

Triangle Committee and Karen Galligan – update on Triangle Park. Karen Galligan, DPW Superintendent, and Nancy Vargas updated the Board on the progress of the Triangle Park project. Ms. Galligan supplied the Board with a spreadsheet of the expenditures. Ms. Vargas said that they were unable to spray for weeds over the summer as they were watering to save the elms, and that they are

hoping to get volunteers to do the weeding as it has to be done by hand. They are investigating mortaring down the top of the stone wall. They are hoping to get the paths stabilized by next week, which will allow them to get the 1,300 plants delivered and planted. It is estimated that the project will be completed by October 29, 2010, with only the signage left to be done (signs on order). Mr. Rooney asked if the funding included annual maintenance and was told that it does not as that will be funded from the DPW budget.

Karen Galligan – inter-municipal agreement on New York Avenue. Ms. Galligan discussed the issue of the six year battle to get a resident of Clemmons Street back onto Framingham water service and negotiations between Framingham and Southborough for an Inter-Municipal Agreement for water service to New York Ave, as stated in a memorandum dated June 23, 2010 with attachments*. Mrs. Phaneuf has no problem moving forward with the IMA so long as it has Town Counsel approval. Mr. Rooney stated that the Clemmons Street resident has been extremely patient and would like see this prioritized. Ms. Galligan feels that things may move faster now that there is a benefit to Framingham. Mr. Haas, 5 Clemmons Street, explained that they were put onto Framingham water during construction of the MetroWest Water Supply Tunnel and chose to disconnect when the work was completed, with the understanding that they could reconnect at a later date if necessary. Several months later (in 2004) they asked to be reconnected but are still waiting for that to happen. All that is required is for a meter to be connected and turning on a valve. Mrs. Phaneuf suggested that Ms Galligan's first discuss with Framingham be about turning on the water for Mr. Haas, as a good faith gesture by Framingham, and then discussing the IMA.

Reports

- The Chairman had nothing to report
- The Town Administrator had nothing to report

Consent Agenda

1. It was voted 2-0 to approve the April 28, 2010 Executive Session minutes as presented this evening. Mr. Rooney abstained as he was not present at that meeting.
2. It was voted unanimously to award the contract for a video surveillance system for the Fire Station to Custom Alarm Service, Inc. in the amount of \$12,415, as set forth in a letter from Fire Chief Mauro to the Board, dated July 8, 2010, a proposal from Custom Alarm Service, Inc., dated 7/30/2010 and a memorandum from the Chief listing all three bids. Funding will be from the Harvard Donation Account.
3. It was voted unanimously to award the contract for Guardrail Removal, Replacement and Installation to low bidder DeLucca Fence Company, Inc., 5 Old Ferry Road, Methuen, MA, 01844 in the amount of \$30,431.00, as recommended in a letter from Karen Galligan, DPW Superintendent, dated September 2, 2010. Funding is from the 2009 Annual Town Meeting, Article 8.
It was voted unanimously to award the contract for Roadway Maintenance to low bidder E.H. Perkins Construction, Inc., P.O. Box 301, Wayland, MA, 01778 in the amount of \$1,612,360 as recommended in a letter from Karen Galligan, DPW Superintendent, dated September 2, 2010. Funding is from 2009 Annual Meeting, Article 8, the 2010 Annual Town Meeting, Article 8, the Fairfield Roadway Improvements Fund and Chapter 90 moneys from FY99, FY07, FY08, FY09, FY10 and FY11.

4. It was voted unanimously to appoint Karen Gadbois, 4 Andrews Way, to the Southborough Youth Commission, term to expire June 30, 2010, as recommended in a letter dated August 31, 2010, from Laurie Sugerman-Whittier, SFYS Director.

Other Business

1. Approval of the Promotional Policy was held to 9/21/2010.

WARRANTS (FY11)

29	\$146,441.80	9/10/10	TOWN PAYABLES
30	\$687.60	9/10/10	CHAPTER 90
31	\$95,248.37	9/10/10	SCHOOL ENC PAYABLES
TOTAL	\$242,377.77		

At 8:30 p.m. it was voted, on roll-call vote (Mrs. Phaneuf – aye, Mr. Boland – aye, Mr. Rooney – aye) to enter Executive Session to discuss strategy with respect to collective bargaining and an open meeting may have a detrimental effect on the bargaining position of the body. Not returning to open session.

Respectfully submitted,

Mary H. Lowell, Recording Secretary

***Attachments:**

- Oct. 29, 2004 letter from Terry Haas to John Boland
- Oct. 29, 2004 letter from Terry Haas to Paul T. Rullo, Massachusetts Water Resource Authority
- April 10, 2006 letter from Aldo Cipriano, Town Counsel, to Christopher Petrini, Town Counsel, Town of Framingham.
- May 3, 2006 letter from Aldo Cipriano, Town Counsel, to Valerie W. Mulvey, Framingham Interim Town Manager.
- September 29, 2006 letter from Karen Galligan to BOS.
- October 10, 2006 letter from BOS to Framingham BOS.
- May 22, 2007 letter from Jean Kitchen, Town Administrator to Julian Suso, Framingham Town Manager.
- June 9, 2007 letter from Terry Haas to Jean Kitchen.
- May 5, 2008 letter from Karen Galligan to BOS.
- 2009 memorandum from Karen Galligan to BOS.
- Request for Legal Opinion form and August 13, 2009 letter from Aldo Cipriano, Town Counsel to BOS.
- Request for Legal Opinion form and October 21, 2009 letter from Aldo Cipriano, Town Counsel, to Karen Galligan.
- October 8, 2009 letter from Aldo Cipriano, Town Counsel, to Karen Galligan.
- August 19, 2010 letter from Terry Haas to BOS.

**BOARD OF SELECTMEN
WORKSHOP MINUTES
SEPTEMBER 13, 2010
MCAULIFFE MEETING ROOM**

Present: Bonnie Phaneuf, Chairman; Bill Boland, John Rooney and Jean Kitchen, Town Administrator.

Others Present: Facilitator Jon Wortmann, Town Accountant Carla McAuliffe, DPW Superintendent Karen Galligan, Police Chief Jane Moran, Recreation Director Doreen Ferguson, Asst. Town Administrator Vanessa Hale, Fire Chief John Mauro, Brian Ballantine, Finance Director.

The workshop began at 5:00 p.m.

Mr. Wortmann led the discussion about different styles of communication (inductive, deductive) and used the upcoming budget process as an example. The group also had discussions about leadership style, how to have more effective meetings, what works well and doesn't work well and what types of priorities the department heads would like to have direction from the Selectmen on as we head into the FY12 budget and town meeting preparation period.

The workshop ended at 7:00 p.m.

Submitted by Vanessa D. Hale, Assistant Town Administrator.

**BOARD OF SELECTMEN
MEETING MINUTES
September 21, 2010
MCAULIFFE MEETING ROOM**

Present: Bonnie Phaneuf, Chairman; Bill Boland, John Rooney and Jean Kitchen, Town Administrator.

The Board re-entered Open Session at 7:00 p.m.

Request to abolish Recycling Comm. And create and appoint a Green Technology and Recycling Committee. Carl Guyer, Recycling Committee Chairman, stated that the mission of the committee has changed through the years as other environmental concerns have come to light. Although recycling will still be a major component, the committee would like to broaden their mission to include promoting the use of alternative energy sources, improved efficiency in energy usage and general awareness of the impact of energy consumption on the environment (as stated in a letter received by the BOS from the Committee on August 16, 2010). Given the change in mission they would like to change the name of the committee to the Green Technology Committee. Mr. Guyer also asked to have the number of committee members reduced from nine to five. They currently have five members and have been having difficulty filling the other positions. Karen Galligan, DPW Superintendent, supports the request. The Board voted unanimously to dissolve the Recycling Committee and establish the Green Technology and Recycling Committee, with five members, to continue recycling and to expand to include promoting the use of alternative energy sources, improved efficiency in energy usage and general awareness of the impact of energy consumption on the environment, and to appoint Carl Guyer, Deborah DeMuria, Alben A. Phillip, Stanley D. Tanenholz and Steven P. Paquette to the committee, with terms to expire June 30, 2011.

Award contract to Custom Alarm; award contract to Prairie Truck Sales for DPW used dump truck.

- Fire Chief Mauro provided a modified proposal from Custom Alarm which included an additional monitoring device that was added by the BOS. It was voted unanimously to award the contract for a ten camera video surveillance system to Custom Alarm Service, Inc. of Mendon, MA, in the amount of \$12,559.
- Karen Galligan, DPW Superintendent, recommended awarding the contract for a used dump truck to the only bidder, Prairie Truck Sales - as stated in a letter to the BOS from MS. Galligan, which included a copy of the Request for Bids, Pricing Worksheet and the Minimum Specifications for Used Class 8 Dump/Sander. Ms. Galligan said that there are three trucks available but that she did not know which truck they would get until they were brought to the sales yard. It was voted unanimously to award the contract for a 6 wheel dump truck to the low, and only, bidder Prairie Truck Sales, 7646 Conifer Court, Deforest, WI 53532, in the amount of \$68,400. The funding for the bid will come from Article 9 of the 2010 Annual Town Meeting.

Reserve Officer Discussion. Police Chief Moran and Brian Ballantine, Finance Director, discussed with the Board the information contained in Chief Moran's letter to the BOS dated September 15, 2010, and spread sheets showing a comparison of costs over both a four and six month period, which show a savings to the Town by appointing a Reserve Officer to fill in full-time, temporarily, for an injured Officer. Mrs. Phaneuf said that, given the new information, she is more comfortable now as there appears to be significant savings in appointing the Reserve Officer. Mr. Boland is not comfortable with an open ended appointment. It was voted unanimously to approve the appointment of a Reserve Officer to Temporary full-time Officer for six months, starting July 1, 2010, with the benefits and salary stated this evening.

Historical Comm. – Baer Architects on Police Station Renovation. Nancy Vargas and David Falconi, both of the Historical Commission, and Brian Baer, of Baer Architecture Group, met with the Board to update them on this option for the Public Safety complex. Ms. Vargas has filed a conflict of interest notice with the Town Clerk. Mr. Baer gave a PowerPoint presentation summarizing the information contained in the document entitled “Police Station Rehabilitation and New Addition Schematic Design Report” dated August 19, 2010. Ms. Vargas said that \$7,000 from CPC funding and \$13,500 voted at the 2010 Annual town Meeting was used to fund the schematic design. Mr. Rooney does not feel that this is the time to ask residents to fund a project of this size and questioned the size of the building, given the size of the lot. Mr. Boland feels that the 9’ parking spaces are too narrow, especially for large pick-up trucks. Mrs. Phaneuf stated that the Town will need a satellite fire station at some time in the future, and feels that these plans need to be turned over to the Police Station Building Committee and the Facilities Committee for review. John Butler, Advisory Committee, commended the Historical Commission for having the work done at a relatively low cost, but is not in favor of this at this time.

Hearing on Underground Fuel Storage License, 264 Cordaville Rd. Timothy Cornu, Herb L. Aswad, Atty. John McAuliffe, Richard Aswad, Louis Aswad, Duane G. Coldwell, Bruce Iannarelli, Steven Hanscome, Fire Chief John Mauro Jr. and Fire Captain Joseph C. Mauro were sworn in by Town Counsel Aldo Cipriano. Chief Mauro read his letter to the BOS, dated August 12, 2010, which included several items which listed the history of non-compliance, and in which he recommended revoking the license to store flammable liquids at 264 Cordaville Road. The issues date back to March, 2001, and includes tanks being taken out of service without notifying the Fire Dept., change of operators without notification, poor recordkeeping, a fuel spill, non-compliance citations issued and D.E.P enforcement issues. Mr. Louis Aswad stated that he had addressed every issue that he was asked to, that he has hired a monitoring company that submits readings every morning by computer, and a compliance company to handle changes, and has a new manager that he would like to put in place. He also stated that the fuel spill was only five gallons, not the forty listed, that it had not been determined if it was from his tanks, and that it had been properly cleaned up. Mr. Boland said that there seems to be a history of non-compliance and that he doesn’t want to keep someone from earning a living, but is concerned about the history. Atty. McAuliffe said that Mr. Aswad has had difficulty keeping operators as it is a small business, only 6,000 gallons, and people come and go because of that. He said that testing systems have been put in place, and asked that Mr. Aswad be given time to vet the operator and show the Chief that he can comply. Mr. Rooney said that Chief Mauro has been extraordinarily patient given that Mr. Aswad has had ten years to comply and now he is asking for more time. Atty. McAuliffe said that it is not a public safety issue but an operational issue, and that he took this to be a status hearing not a revocation hearing. Chief Mauro stated emphatically that he could not put his name on a permit because of the issues. Mrs. Phaneuf feels that, unfortunately, Mr. Aswad created this situation and that she agrees with the Chief. Atty. McAuliffe agrees that there needs to be better communication with the Fire Chief who, he feels, has been extremely patient. Atty. Cipriano said that the notice sent clearly states that this is a revocation hearing and that the standard for public safety is whatever is required by the Chief. Chief Mauro said that Mr. Aswad only conducts tests when he asks him too, not before. Mr. Boland asked Chief Mauro if there was any way that this could be worked out without revoking the license. Mr. Rooney asked if they were asking for one final chance. Atty. McAuliffe said that they were asking for P & H Management, the owners of the property, to be responsible. Mr. Boland asked if it would be fair for the Board to give them sixty days to see how it goes with the new operator. Chief Mauro reiterated that he was not comfortable putting his name on the license given the history. Mrs. Phaneuf asked Mr. Aswad about the multiple mailing addresses on the different documents and said that the Town needed an accurate mailing address. Atty. McAuliffe said that they have a new operator but never got to the point of operating the station. John Cornu, the proposed operator, introduced himself and gave a brief

history of his experience. He feels that he is fully capable of operating the station and has the time to do so. The hearing was recessed so that the Board could go into deliberations. On resumption of the hearing it was voted unanimously to hold the hearing open for a period up to one year, on the condition that all existing fines be paid, proof be provided to Chief Mauro by the end of business on September 28, 2010 of D.E.P 527 CMR Sect. 5 & 9 compliance and that they meet all conditions of the Fire Chief. If at any time in the next six months to a year there is any issue with non-compliance with the Fire Chief, D.E.P., or any other organization they will be brought before the Board and the license revoked. Atty. McAuliffe assured the Board that Mr. Aswad agrees, that they will waive the appeal of fines, provide the proof of D.E.P compliance, and all fines will be paid.

Approval of Fayville Village Hall conference room changes.

- Phil Rinehart, Facilities Manager, explained that the Cable Commission would like to expand the SouthboroughTV space as shown on a schematic provided by Mr. Rinehart. Mr. Rinehart checked with an electrician and there should be no problem doing that. All costs will be paid by the Cable Commission – Mrs. Phaneuf suggested that Mr. Rinehart get a letter from the Cable Commission stating that. It was voted unanimously to approve the changes.
- It was voted unanimously to approve the relocation of the computer server.
- It was voted unanimously to move forward with, and to spend up to \$10,000, for Town House changes.

Reports.

Mrs. Phaneuf said that she had attended a focus group discussion at the library and was impressed with information received from residents re: the library.

Consent Agenda

1. It was voted unanimously to approve the minutes of the meetings held on August 24, 2010, September 1, 2010 and September 7, 2010.
2. It was voted 2-0 (Mr. Rooney abstained as he was not in attendance at the meeting) to approve the minutes of the April 28, 2010 Executive Session, and to release a portion of those minutes.
3. It was voted unanimously to approve a 2% merit increase for David Maida, Communications Officer, with a SEIU Grade2 salary of \$21.48/hour effective 9/21/2010. Personnel performance reviews are not public record and are, therefore, not attached.
4. It was voted unanimously to award the contract for Cordaville Hall carpentry work to low bidder Taylec, LLC of Ashland, MA. In the amount of \$11,970. Phil Rinehart, Facilities Manager, explained that the work was necessary to strengthen the support for the folding walls, and that everyone he spoke with was pleased with the company's work.

Other Business

1. The following meeting dates were scheduled: October 5 and 19, 2010, November 4 and 20, 2010, and December 7 and 21, 2010.
2. Police Chief Moran has made changes as recommended. It was voted unanimously to approve the Promotional Police as presented in the document entitled "Promotions Policy and Procedure No. 10-01".

WARRANTS (FY11)

32	\$181,736.81	9/17/10	TOWN PAYABLES
33	\$3,924.48	9/17/10	CAFETERIA PAYABLES
34P	\$502,660.87	9/15/10	SCHOOL PAYROLL
35P	\$241,738.51	9/15/10	TOWN PAYROLL
26	\$167,818.00	9/17/10	SCHOOL PAYABLES
37	\$74,951.39	9/17/10	SCHOOL PAYABLES
38	\$37,523.18	9/17/10	SCHOOL PAYABLES
TOTAL	\$1,210,353.24		

39	\$198,227.33	9/24/10	TOWN PAYABLES
40	\$28,304.84	9/24/10	SCHOOL ENC PAYABLES
41	\$39,955.89	9/24/10	SCHOOL PAYABLES
TOTAL	\$266,488.06		

Meeting adjourned at 10:15 p.m.

Respectfully submitted,
Mary H. Lowell, Recording Secretary

List of Documents referred to at 9/21/10 BOS Meeting
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- Letter of non-compliance from D.E.P to Louie Aswad, dated September 2, 2010
- Notice of Hearing from BOS to Southborough Gas, dated September 8, 2010
- Letter re: Notice of Hearing sent via fax from Atty. Cipriano to the Town Administrator, dated September 15, 2010
- photocopies of certified mail receipts and returns to Southborough Gas and P & H Management
- Letter from Fire Chief Mauro to BOS requesting hearing, dated August 12, 2010 and including:
 - Copy of MGL Ch 148 S 13
 - Letter from Fire Chief Edward F. Brock to Paul J. Berry, Town Clerk, dated December 8, 1978
 - Application for License, dated 11/6/1978 and License dated December 5, 1978
 - Copy of 527 CMR 9.00
 - Copy of 527 CMR 5.00
 - "History of non-compliance 264 Cordaville Road" document, including the following:
 - Letter from Chief Mauro to Louis Aswad, dated March 30, 2001
 - Letter from Chief Mauro to Louis Aswad, dated April 4, 2001
 - Application for permit dated 5/10/03; permit dated 5/10/03

- Letter from Chief Mauro to Louis Aswad, dated February 13, 2002
- Notice of Violation from Dept. of Fire Services, dated 3/8/2002
- Letter from Chief Mauro to Louis Aswad, dated March 25, 2002
- Letter from Chief Mauro to Louis Aswad, dated January 28, 2003
- Order of Notice, dated January 28, 2003
- Letter from Chief Mauro to Louis Aswad dated February 13, 2003
- Letter from Louis Aswad to Chief Mauro, dated February 23, 2003
- Letter from Chief Mauro to Louis Aswad, dated February 26, 2003
- Application for Permit dated 6/23/03; Permit dated 6/23/03
- Letter from Chief Mauro to Louis Aswad, dated July 14, 2003
- Application for Permit dated 4/23/04; Permit dated 6/15/04
- Notes from meeting of April 24, 2006
- Letter from Chief Mauro to Louis Aswad, dated December 18, 2006
- Incident Report dated 3/20/07
- Incident Report dated 3/22/07
- Letter from Captain Joseph C. Mauro to Louis Aswad, dated May 1, 2007
- Order of Notice, dated 5/1/07
- Incident Report dated 6/5/07
- Incident Report dated 6/14/07
- Letter from Atty. John McAuliffe to Chief Mauro, dated June 15, 2007
- Letter from Chief Mauro to Atty. John McAuliffe, dated June 21, 2007
- Letter from Captain Joseph C. Mauro to Atty. John McAuliffe, dated June 26, 2007
- Incident Report dated 10/2/07
- Letter from Chief Mauro to Louis Aswad, dated October 3, 2007
- Mass. Non-Criminal Fire Code Violation Notice dated 10/5/07
- Letter from Chief Mauro to Louis Aswad, dated June 17, 2009
- Letter from Captain Joseph C. Mauro to Louis Aswad, dated September 14, 2009
- Letter from Sandra Wheeler to Captain Joseph Mauro, dated September 28, 2009
- Letter from Captain Joseph C. Mauro to Louis Aswad, dated September 29, 2009
- Incident Report dated 4/1/2010
- Incident Report dated 8/10/2010
- Letter from Chief Mauro to Louis Aswad, dated April 1, 2010
- Letter from Atty. Cipriano to Louis Aswad, dated April 7, 2010
- Letter from Chief Mauro to Louis Aswad, dated April 9, 2010
- Order of Notice, dated 4/9/2010
- Massachusetts Non-Criminal Fire code Violation Notice, dated 4/9/2010
- Letter from Chief Mauro to Louis Aswad, dated April 22, 2010
- Letter from Chief Mauro to P & H Management, dated April 22, 2010
- ES & H Compliance service contract, dated April 14, 2010
- Letter from Chief Mauro to Louis Aswad, dated April 23, 2010

**BOARD OF SELECTMEN
MEETING MINUTES
September 28, 2010
UPPER HALL, CORDAVILLE HALL**

Present: Bonnie Phaneuf, Chairman; Bill Boland, John Rooney and Jean Kitchen, Town Administrator.

Also present: Jeffrey Nutting, Facilitator.

The meeting was opened by the Chairman at 6:00 p.m. The Board met with Mr. Nutting in a session to discuss goals and objectives, as well as priorities for the coming year. The list of goals agreed upon is enclosed with these minutes. Categories discussed included:

- Financial Management and Responsibility
- Labor Relations and Human Resources
- Operational Improvements
- Planning and Zoning Development
- Town Facilities

Other Business

Legal Budget: The Board had a brief conversation with Sam Stivers, Chairman of the Zoning Board of Appeals. Mr. Stivers was before the Board to request additional funding from the legal budget for final review of the Woodland Meadows 40B project. The applicant [Mr. Heavey] has been charged for legal review [by Attorney Bachrach] until recently. The applicant has refused to pay for this last legal review, thus the ZBA is seeking \$1,500 from the Special Counsel fund. The Board voted 2-1 to approve this expenditure. [Mr. Rooney did not vote to approve this expenditure as he does not believe it is in the Town's best interest to engage the services of Atty. Bachrach.]

Meeting adjourned at 9:00 p.m. by unanimous vote.

Respectfully submitted by Vanessa D. Hale, Asst Town Administrator.

**BOARD OF SELECTMEN
WORKSHOP MINUTES
OCTOBER 4, 2010
MCAULIFFE MEETING ROOM**

Present: Bonnie Phaneuf, Chairman; Bill Boland, John Rooney and Jean Kitchen, Town Administrator,

Others Present: Facilitator Jon Wortmann, Town Accountant Carla McAuliffe, DPW Superintendent Karen Galligan, Police Chief Jane Moran, Recreation Director Doreen Ferguson.

The workshop began at 5:00 p.m.

Mr. Wortmann led the discussion about different styles of communication (inductive, deductive) and used the upcoming budget process as an example.

The workshop ended at 6:20 p.m.

Submitted by Jean E. Kitchen, Town Administrator

**BOARD OF SELECTMEN
MEETING MINUTES
October 5, 2010
MCAULIFFE MEETING ROOM**

Present: Bonnie Phaneuf, Chairman; Bill Boland, John Rooney and Jean Kitchen, Town Administrator.

The Board re-entered Open Session at 7:55 p.m.

Culinary Underground LLC, 21 Turnpike Road, Suite E, Southborough, MA – Restaurant Wine and Malt License and Common Victualler License. Mrs. Phaneuf read the hearing notice. Lori Z. Leinbach, proprietor, explained that she teaches cooking to home cooks, not professionals, and that she is moving into a bigger space, and that she was looking for a Wine and Malt license in case she held wine tastings. She stated that she will not be selling wine by the bottle. Mr. Boland said that he is fine with it, so long as it does not become a wine bar. Mr. Rooney suggested making sure that they had sufficient insurance coverage for liquor liability. It was voted unanimously to approve the Restaurant Wine and Malt Beverages License and the Common Victualler License for Culinary Underground LLC, 21 Turnpike Road, Suite E, Southborough MA., with operating hours of 9:00 a.m. to 10:00 p.m. Sunday through Saturday.

Recreation – Discussion of splash pad proposal. Doreen Ferguson, Recreation Director, and the Recreation Committee is requesting approval to build a splash pad and spray area at the Arts Center. They have met with CPC to discuss funding. The area will include a play structure and a grassy area for picnic tables. The cost is estimated at \$142,684, but could be reduced by removing some items – and they hope to get some items donated. The annual maintenance cost is estimated at \$6,825, mostly for the water. Mrs. Phaneuf is concerned about the location as there has been some discussion regarding possibly selling the building. She is also concerned about the parking and the safety of the children in the parking lot. Mrs. Ferguson agreed there are problems with the parking lot and said that they may have to look at adjusting the flow of traffic. Karen Galligan, DPW Superintendent, said that maintenance falls under the DPW. Mr. Rooney gave the Recreation Committee a copy of a Doctoral Thesis that he had found that deals with the possible problems associated with splash pads, and discussed some of the issues with the committee. Mr. Boland feels that a playground is needed in that area of town but is not sure about a splash pad. He is concerned about using water during times of conservation, and about parking. Mrs. Ferguson agreed that if it came to cutting anything from the project she would prefer to have the playground over the splash pad. Mr. Rooney is in favor of the splash pad as it would give families an opportunity to do something different. Mrs. Phaneuf suggested that Recreation have a neighborhood meeting to see how the residents feel about it.

Review of revised job description/classification of the Director of the Council on Aging and the COA Outreach Coordinator. Bill Harrington, COA, and Pam LeFrancois, COA Director, came before the Board to discuss the two positions.

- Outreach Coordinator. Mr. Harrington explained that the job responsibilities have increased over the years, and that the Personnel Board voted to change the position from a Grade 2 to Grade 3 step 9. It was agreed that there is no funding for Step 9 right now, and that a grade change has to go before Town Meeting. The Board voted unanimously to support the request to reclassify the Outreach Coordinator position to Grade 3 Step 9, pending Personnel Board recommendation.
- Senior Center Director. Ms. LeFrancois stated that the Personnel Board voted to reclassify the position from Grade 4 to Grade 5. Mrs. Phaneuf supports the request but feels that it is a big jump, especially since other employees have not had increases. Mr. Rooney said that it is what

the Personnel Board feels it should be, and that he could make a strong case for it. Ms. LeFrancois explained that 35 hours of the salary comes from the Town and that the other 5 is from a grant, and that the future of the grant is uncertain. The Board is in agreement with the position being changed to a Grade 5 Step 3, but feels that it is up to the Council on Aging to sell it to Town Meeting. The Board voted unanimously to support the request to reclassify the Council On Aging Director position to Grade 5 from Grade 4.

Reports.

- Mrs. Phaneuf said that she had two responses from the ZBA, and asked Mr. Rooney to meet with both parties and to follow up with the two residents that wrote in.
- Mrs. Kitchen informed the Board that the new Open Meeting Law had been clarified and that posting the meetings on the website satisfied the 24 hour access to the posting.

Consent Agenda

1. Approval of the minutes of the September 21, 2010 meeting was held for a future meeting.
2. It was voted unanimously to approve and sign the Warrant for the State Election, November 2, 2010.
3. It was voted unanimously to accept a donation of \$100.00 from the Friends of the Southborough Recreation, to be allocated to the CERT account.
4. It was voted unanimously to approve a 2% merit increase for Maureen Colleary, Executive Assistant to the Board of Selectmen, with a salary of SEIU Grade 3 at \$22.80/hour, effective 10/7/2010.

Other Business

1. The Board agreed to meet on October 26, 2010, at 7:00 p.m., to discuss budget parameters.

WARRANTS (FY11)

42	\$532,509.33	10/1/10	TOWN PAYABLES
43P	\$504,029.65	9/29/10	SCHOOL PAYROLL
44P	\$249,701.67	9/29/10	TOWN PAYROLL
TOTAL	\$1,286,240.65		

45	\$97,090.61	10/8/10	TOWN PAYABLES
TOTAL	\$97,090.61		

It was voted unanimously to adjourn the meeting at 9:20 p.m.

Respectfully submitted,
Mary H. Lowell, Recording Secretary

List of Documents referred to at 10/5/10 BOS Meeting
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Culinary Underground:

- Memorandum from Maureen Colleary, dated September 29, 2010
- Notice of public hearing
- Application for Common Victualler License
- Hours of Operation

Recreation:

- Letter of request from Thomas Conlin, COA Chairman, dated September 10, 2010
- Revised Job Description – Senior Center Director (COA Director)
- Revised job description – Outreach Coordinator
- Letters of Support:
 - Brigitte Doolan, August 26, 2010
 - Melissa Sheilds, Jill Dratch & Kate Poultney, June 16, 2010
- Application for Community Preservation Funding
- Email in support from Nancy Gould, dated October 4, 2010
- Email in support from Chelsea Bradway, dated October 4, 2010
- Updated Splash pad/Playground Estimates
- GIS photo showing proposed site

Consent Agenda

1. September 21, 2010 meeting minutes
2. Warrant for the State Election, November 2, 1010
3. Letter from Chief Mauro to BOS, dated September 28, 2010
4. Personnel review – not public record

**BOARD OF SELECTMEN
MEETING MINUTES
October 19, 2010
MCAULIFFE MEETING ROOM**

Present: Bonnie Phaneuf, Chairman; Bill Boland, John Rooney and Vanessa Hale, Assistant Town Administrator. Mrs. Kitchen was attending a conference.

Mrs. Phaneuf opened the meeting at 7:00 p.m.

Tax Classification hearing. Paul Cibelli, Principal Assessor, and Thomas Beaumont, Chairman Board of Assessors. Mr. Cibelli read his letter to the Board and Residents. He and Mr. Beaumont explained the process used to calculate the tax rate, and explained that the sales used to set values are one year old. Commercial values are not dropping as fast as residential. Mr. Cibelli explained that if Stabilization funds had not been used approx. \$0.20 would have been added to the tax rate, however, the Stabilization Fund is getting low. There was a discussion on the merits of shifting some of the burden onto commercial properties. It was voted 2-1 (Mrs. Phaneuf – no, Mr. Rooney – no, Mr. Boland – yes) against maintaining a single tax rate for FY11. It was voted 2-1 (Mrs. Phaneuf – yes, Mr. Rooney - yes, Mr. Boland – no) in favor of a split tax rate with a CIP increase of 105%, with a residential rate of \$15.38 and a commercial/industrial rate of \$16.36.

Endorsement of EMC open space plan. John Thomas, of Beals and Thomas, stated that EMC Corporation planned to deed to Sudbury Valley Trustees a Conservation Restriction on a 39 acre parcel of land and a Conservation Land Dedication on an abutting 7 acre parcel. It was voted unanimously to approve the conservation restriction, with confirmation that Town Counsel has reviewed the deed.

Finalize Charter License renewal. Paul Ferguson, Cable Commission, presented the revised agreement, based on the Verizon contract, and explained the terms. The Board voted unanimously to approve the Cable Television Renewal License between the Town of Southborough and Charter Communications for a ten year period.

Water tank change order. Karen Galligan, DPW Superintendent, informed the Board that structural issues were discovered in the roof of the Oak Hill Tank. There is money in the article to cover this. It was voted unanimously to approve the change order, up to \$27,990, as detailed in a letter from Prime Coatings, Inc., Pare Project #08176.05.

Reports.

Mrs. Phaneuf suggested that the Board attend a meeting of each of the other Town Boards. Mr. Rooney and Mr. Boland felt that one combined meeting would be sufficient.

Consent Agenda

It was voted unanimously to:

1. Approve the regular session meeting minutes from September 21, 2010, September 28, 2010 and the amended minutes of October 5, 2010. Also, the Executive Session meeting minutes of September 7, 2010, September 21, 2010 and the amended minutes of October 5, 2010, were approved but shall be retained.
2. Appoint Deborah McHorney to the Scholarship Committee for a term to expire June 30, 2011.

3. Accept a donation of \$100.00 from the Judith Ann Aselbekian Trust to be allocated to the ambulance donation account.
4. Approve a 2% merit increase for Heidi Lindsey, Library Assistant, with a salary of \$21.75/hour retroactive to September 4, 2010.
5. Approve a 2% merit increase for Patricia Ellis, Library Assistant, with a salary of @20.87/hour effective September 4, 2010.
6. Approve Southborough Unscheduled Night on March 10, 2011.

Other Business

1. The Board reviewed and finalized the goals of the BOS.
2. Discussion of the memo on egress & building code violations at the Police Station building was tabled to a future meeting.

WARRANTS (FY11)

46	\$709,680.59	10/15/10	TOWN PAYABLES
47P	\$512,626.86	10/13/10	SCHOOL PAYROLL
48P	\$244,923.17	10/13/10	TOWN PAYROLL
TOTAL	\$1,467,233.62		

49	\$337,092.98	10/22/10	TOWN PAYABLES
50	\$12,759.29	10/22/10	CAFETERIA
51	\$29,727.68	10/22/10	SCHOOL PAYABLES
52	\$42,115.96	10/22/10	SCHOOL ENC. PAYABLES
53	\$13,688.01	10/22/10	SCHOOL ENC. PAYABLES
TOTAL	\$435,383.92		

Meeting adjourned at 8:30 p.m.

Respectfully submitted by Mary H. Lowell, Recording Secretary

List of Documents referred to at 10/19/2010 BOS meeting

Tax classification:

- Notice of hearing
- Tax Classification Hearing packet

EMC open space plan:

- Deed

- Plan showing location of parcels
- Memo from Southborough Conservation Commission
- Municipal Certification

Charter License renewal:

- Renewal License

Water tank:

- Memo from Karen Galligan, dated October 14, 2010
- Letter from Prime Coatings, Inc. dated October 13, 2010

Consent Agenda:

1. Minutes;
 - September 21, 2010
 - September 28, 2010
 - October 5, 2010
 - Executive Session September 7, 2010 (not public record)
 - Executive Session September 21, 2010 (not public record)
 - Executive Session October 5, 2010 (not public record)
2. Letter of request from Doriann Jasinski, Scholarship Committee, dated October 5, 2010
3. Letter from Fire Chief John d. Mauro Jr., dated October 5, 2010
4. Letter of request from Judy Budz, Chairman Board of Library Trustees and Jane Cain, Library Director, dated September 27, 2010.
5. Letter of request from Judy Budz, Chairman Board of Library Trustees and Jane Cain, Library Director, dated September 27, 2010.
6. Letter from Laurie Sugarman-Whittier, Director SYFS, dated September 9, 2010

Other Business:

1. FY2011 Performance Goals/Objectives spreadsheets.

**BOARD OF SELECTMEN
MEETING MINUTES
October 26, 2010
MCAULIFFE MEETING ROOM**

Present: Bonnie Phaneuf, Chairman; Bill Boland, John Rooney and Jean Kitchen, Town Administrator.

FY12 budget

The Board met with members of the Advisory Committee and Capital Budget Committee, as well as department heads to discuss the FY12 budget process. Ms. Kitchen presented the Board with a proposed schedule for submission of warrant articles and budgets, as well as a directive to be issued from the Board. The Board agreed that departments should submit a level service budget for consideration. The Board voted unanimously to approve the budget directive and attached schedule for FY12.

Other Business

The Board also agreed to hold another tax classification hearing on November 16, 2010 at 8:00 p.m.

WARRANTS

54	\$923,744.05	10/29/10	TOWN PAYABLES
55	\$3,696.00	10/29/10	CHAPTER 90
56	\$31,925.72	10/29/10	SCHOOL PAYABLES
57P	\$514,022.08	10/27/10	SCHOOL PAYROLL
58P	\$256,529.72	10/27/10	TOWN PAYROLL
TOTAL	\$1,729,917.57		

At 8:00 p.m., the Board voted by roll call vote to enter Executive Session to discuss complaints under MGL Ch. 30A, Sec. 21. (a) (1). The Board will not return to open session.

Roll Call Vote

Phaneuf aye
Boland aye
Rooney aye

Submitted by Vanessa D. Hale, Assistant Town Administrator.

**BOARD OF SELECTMEN
MEETING MINUTES
November 16, 2010
MCAULIFFE MEETING ROOM**

Present: Bonnie Phaneuf, Chairman; Bill Boland, John Rooney and Jean Kitchen, Town Administrator.

The Board re-entered Open Session at 7:42 p.m.

Form of Government Discussion. John Butler led a discussion on changing from a Town Administrator and three member Board of Selectmen to a Town Manager and five member Board of Selectmen form of Government. Mr. Butler stated he was gathering signatures for a warrant article for the Annual Town Meeting. All members support the efforts of Mr. Butler to bring the article before Town Meeting. Mrs. Phaneuf stated that each member of this board volunteers for numerous committees and that it is overwhelming at times. She urged audience members to sign the petition and attend Town Meeting. Mr. Rooney stated that going from three to five members would spread out the duties, and encouraged residents to read the study report.

Tax Classification Hearing. Mrs. Phaneuf read the hearing notice and stated that this had been discussed and voted at the October 19th meeting but, given the response from local business owners, both she and Mr. Rooney recommended that the Board reconsider. Numerous small business owners, as well as EMC Corp. and Corridor Nine Chamber of Commerce representatives spoke in opposition to the BOS approving a split tax rate. Many stated that they could not afford to pay a higher rate and risked having to go out of business, or move to a more business friendly community, given the current economy. Mrs. Phaneuf said that she had new information that made her change her mind about a split tax rate. Mr. Rooney still feels that a split rate would take some of the burden off residents, and he has not been convinced that a small shift in the tax rate would be detrimental to businesses. The Board voted 2-1 (Mrs. Phaneuf – yes, Mr. Boland - yes, Mr. Rooney – no) to approve a single tax rate of \$15.58, per \$1000 of valuation, for Fiscal Year 2011, based on information provided by the Board of Assessors.

Reports.

Board of Selectmen:

- Letter from Arthur Butler
- Mr. Rooney and Mrs. Phaneuf attended a Recreation Commission meeting on the proposed splash pad.
- Mrs. Phaneuf reported that she along with Chairman Gaffney of the Planning Board attended the Planning Board Meeting held in Westborough on the CSX proposal. A joint meeting with the Planning Board and BOS has tentatively scheduled for November 29, 2010 .
- Mr. Boland congratulated Steven Levy on his election as State Representative.
 - Mrs. Phaneuf and Mr. Rooney both attended the Scouting Award Ceremony for Resident/Veterans Agent John Wilson, Mr. Rooney spoke on the Board's behalf.
- Mrs. Phaneuf thanked Mr. Rooney for attending the Veteran's Day programs
- Mr. Rooney said that he has received information that has made him reverse his decision of September 28, 2010, regarding the hiring of Atty. Bachrach. He now has no objection to hiring Atty. Bachrach when the Town needs to hire an outside attorney.

Consent Agenda

It was voted unanimously to:

1. Approve the minutes of the meetings held on September 28, 2010, October 5, 2010 and October 19, 2010.
2. Approve a 2% merit increase for Jeanne Survell, Administrative Secretary for Building and Zoning, with a salary of \$18.63/hr effective November 14, 2010.
3. Appoint the following residents to the Southborough Cultural Arts Council:
 - Yurima Guilarte-Murphy, 1 Bryden Road, term to expire November 16, 2012
 - Theresa E. Stephens, 262 Parkerville Road, term to expire November 16, 2012
 - Erin Wheatley, 22 Clifford Street, term to expire November 3, 2012
4. Accept a donation in the amount of \$100.00, from Friends of the Library, to be allocated to the fire donation account.
5. Accept donations in the amount of \$272.00 to be allocated to the Youth and Family Services donation account.
6. Accept a PILOT in the amount of \$18,000 from Harvard Medical School Primate Research Center, to be divided equally amongst Police, Fire and DPW.

Other Business

1. Approval of the Data Security policy was held to the December 7, 2010 meeting.

List of Documents Referred to at 11/16/10 BOS Meeting
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Form of Government discussion:

- Final Report to the Town of Southborough by the Town Governance Study Committee

Tax classification Hearing:

- Notice of Hearing
- Advertising of Legal Notice
- Letter from Aldo Cipriano, Town counsel, dated October 22, 2010
- "Relationship of Classes" documents
- Letters in opposition to the split tax rate from:
 - Barbara Clifford and Donna Cox, Corridor Nine Chamber of Commerce
 - Daniel Lourerio, EMC Corporation
- Emails in opposition to the split tax rate:
 - Vanessa Hale, with list of people who contacted her
 - Steven C. Davis
 - Dan Dumont, Dynamic Systems Inc
 - Jim Knowles
 - Paul Maggiore
 - Tom Prince, Tomasso Trattoria and Panzano Market
 - John McLaughlin, Maerkisches Werk of North America
 - Alan Smith, Bodyscapes Fitness
 - William Quigley for Colony Realty Partners
 - Peter Caliendo, Long Cadillac Saab
 - Christo Baltas, Southborough House of Pizza
 - Richard Robecki, Montessori School
 - Melissa and Dave Hodgson, Cold Stone Creamery
 - Ken Kahn, Oh! Toys

Consent Agenda:

1. Minutes;
September 28, 2010
October 5, 2010
October 19, 2010
2. Personnel evaluation – not public record
3. Email from Maureen Colleary and Volunteer Forms and resumes from Yurima Guilarte-Murphy, Theresa Stephens and Erin Wheatley.
4. Letter from Fire Chief John D. Mauro Jr.
5. Letter from Laurie Sugarman-Whittier, Director of SYFS
6. Letter from Vivienne Esrig, Harvard Medical School

Other Business:

- Town of Southborough Information Security Policy

WARRANTS

59	\$594,216.40	11/5/10	TOWN PAYABLES
60	\$156,726.95	11/5/10	SCHOOL PAYABLES
TOTAL	\$750,943.35		

61	\$1,535,426.37	11/12/10	TOWN PAYABLES
62P	\$513,727.60	11/10/10	SCHOOL PAYROLL
63P	\$244,543.33	11/10/10	TOWN PAYROLL
TOTAL	\$2,293,697.30		

64	\$144,324.04	11/19/10	TOWN PAYABLES
65	\$10,089.10	11/19/10	CAFETERIA
66	\$271,357.03	11/19/10	SCHOOL PAYABLES
67	\$623.21	11/19/10	SCHOOL ENC PAYABLES
68	\$11,337.65	11/19/10	SCHOOL PAYABLES
69	\$60,908.50	11/19/10	SCHOOL PAYABLES
TOTAL	\$498,639.53		

Meeting adjourned at 9:50 p.m.

Respectfully submitted,
Mary H. Lowell, Recording Secretary

**BOARD OF SELECTMEN
MEETING MINUTES
November 30, 2010
MCAULIFFE MEETING ROOM**

Present: Bonnie Phaneuf, Chairman; Bill Boland and Jean Kitchen, Town Administrator. John Rooney was absent as he was out of town on business.

Mrs. Phaneuf opened the meeting at 7:00 p.m.

Transfer Station Hearing. Frederick Barry and Lisa Jachowicz were sworn in by Mrs. Kitchen. Mr. Barry stated that he was not a Southborough resident at the time, but is now. While his fiancée, Ms. Jachowicz, was hospitalized for back surgery, he decided to clean trash out of her garage. Not knowing that a sticker was required he loaded the trash into his pick-up truck and took it to the transfer station. Mr. Boland asked for proof that Mr. Barry now lives in town, and said that he is concerned as Ms. Jachowicz did not have a valid sticker at the time. Ms. Jachowicz stated that she had intended on renewing her sticker but since she was incapacitated had decided to wait until after recuperating from surgery. Both she and Mr. Barry stated that it was an honest mistake and was not intentional. Mrs. Phaneuf felt that Mr. Barry had good intentions and that it was an honest mistake. It was voted unanimously to change the fine to a warning, and Mr. Barry was told to get a sticker for his vehicle and both parties were told to renew on time next year.

Metrowest Open Space Connectivity Plan. Bruce Leish, Executive Director of MetroWest Regional Collaborative explained that the Collaborative is compiling and mapping data on open space and trails throughout the nine towns in the collaborative, including Southborough that can be used to create a trail system linking the towns. They are also looking for parcels of interest for conservation. There will be two meetings in December for public comment.

Discussion of naming streets in Rural Cemetery – John Wilson, Veteran’s Agent. Mr. Wilson would like to have 12 streets in the cemetery named for the 12 servicemen who gave their lives during WWI, WWII and Vietnam. Mrs. Phaneuf is in favor and suggested putting an article on the warrant for the Annual Town Meeting. Mr. Boland is also in favor but would like a list of places in town that have already been named for veterans. The article was put on the warrant and Mrs. Phaneuf suggested that Mr. Wilson have the cost estimate available at that time. Mrs. Kitchen read an email from Mr. Rooney that stated he is 100% in favor of this.

Reports

Town Administrator.

- CSX Transflow. Mrs. Kitchen has letters from CSX stating that they cannot meet with the Southborough Planning Board as their contract is with Westborough. Southborough residents are welcome to attend the Westborough meetings.
- Eric Denoncourt, Town Planner introduced himself to those in attendance, and to those who may be watching on TV.
- The Board voted unanimously to ratify three previous actions relating to town policies.
- The employee appreciation luncheon, put on by department heads, will be held on January 14, 2011. The Town Hall will close one hour early that day.
- The tax rate that was set on November 17, 2010 has been approved by the DOR.
- Cordaville Hall is currently unavailable for meetings.
- The Christmas party will be held on December 10, 2010 at the Wayside Inn.

Consent Agenda

The Board voted unanimously to:

1. Approve the minutes of meetings held on September 12, 2010, October 4, 2010 and November 16, 2010.
2. Accept the resignation of Julia Schneiderman from the Cultural Arts Council.
3. Accept the resignation of John Wiswall from the Cultural Arts Council.
4. Accept a donation of \$200.00 to be allocated to the Ambulance Donation Account.

WARRANTS

70	\$2,432,194.44	11/24/10	TOWN PAYABLES
71	\$161,365.69	11/24/10	SCHOOL PAYABLES
72	\$5,104.00	11/24/10	CHAPTER 90
73P	\$511,687.87	11/24/10	SCHOOL PAYROLL
74P	\$296,797.45	11/24/10	TOWN PAYROLL
TOTAL	\$3,407,149.45		

75	\$213,058.39	12/3/10	TOWN PAYABLES
TOTAL	\$213,058.39		

List of Documents Referred to 11/30/2010 BOS Meeting
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Transfer Station.

- Notice of hearing letter to Mr. Barry
- Transfer Station Rules & Regulations
- Mr. Barry's letter to BOS dated 10/15/2010
- Violation Notice
- Transfer Station Sticker Check document
- Street Name look-up document
- Copy of Certified Mail Receipt

Rural Cemetery.

- Email from Mr. Wilson requesting street naming
- Map of Rural Cemetery

Consent Agenda.

1. Minutes for September 13, 2010, October 4, 2010 and November 16, 2010
2. Letter of Resignation – Julia Schneiderman
3. Letter of Resignation – John Wiswall
4. Letter from Fire Chief John D. Mauro, Jr. stating donation

Meeting adjourned at 7:45 p.m.

Respectfully submitted,
Mary H. Lowell, Recording Secretary

**BOARD OF SELECTMEN
MEETING MINUTES
December 7, 2010
MCAULIFFE MEETING ROOM**

Present: Bonnie Phaneuf, Chairman; Bill Boland, John Rooney and Jean Kitchen, Town Administrator.

The Board re-entered open session at 7:45 p.m.

Sign Annual Licenses. The Board unanimously voted to approve and sign the licenses listed in the document entitled "Licenses to be Renewed for 2011", as presented this evening.

Energy Consolidation discussion. Brian Ballantine, Finance Director; Phil Rinehart, Facilities Manager; and Brian Murphy of Colonial Power Group discussed the concept of the Town joining a consortium that would allow residents to buy power at a reduced rate. The savings vary as rates change. Colonial Power Group has 21 towns in the program, including the City of Marlborough. There is no exit penalty if a resident decides to opt out of the program. The Board decided that they needed more information and tabled the discussion to a meeting in January.

Annual Audit Report – Bill Fraher. Bill Fraher, CPA; Brian Ballantine, Finance Director; and Carla McAuliffe, Town Accountant, discussed Mr. Fraher's audit report. Mr. Fraher stated that financial reporting stayed on schedule, the timing was good and that the audit went well. He also stated that the Stabilization Fund and Free Cash are within acceptable levels. There was a discussion between Mr. Fraher and John Butler, Advisory Committee, regarding the Stabilization fund.

Discussion with Finance Team.

- Quarterly revenue and expenditure report. Brian Ballantine, Finance Director, and Carla McAuliffe, Town Accountant, provided an overview of where the FY2011 budget stands at this time. First quarter revenues are in line with their expectations. They monitor expenses monthly and are keeping an eye on overtime in Police, Fire and DPW. DPW and Fire expenses are in line with this time last fiscal year, however, Police expenses have increased considerably due to coverage for an officer on IOD leave and an unfilled position.
- Discussion on stabilization, free cash and telecommunications funds. Mrs. Kitchen, Town Administrator, said that they need to come up with some agreement with Advisory as to how much to have in the Stabilization Fund and how to go forward funding operational costs. John Butler, Advisory Commission, said that no one on Advisory is looking at capital projects until the recession ends and the schools are paid for in 2013. They would, however, like to see the town buildings maintained.

Town Administrator report.

- They are still trying to get CSX to come before the Board, possibly January 4, 2011.
- Notification from MWRA re: drawdown of Deerfoot for repair of slats
- It was voted unanimously to authorize Karen Galligan, DPW Superintendent, and Mrs. Kitchen to handle transfer station hearings, so that they won't have to come before the BOS.
- The Town Manager petition on the warrant for Town Meeting.

Chairman, Board of Selectmen.

- Would like Triangle committee to come before the Board with a sign design.

Other Business

The Board voted unanimously to:

1. Approve a request from Max Performance to access town roads for races on May 8, 2011 and September 11, 2011.
2. Appoint Kevin Mackie as a part-time Dispatcher, with a starting rate of SAP Grade 9, \$13.43/hour.

WARRANTS

76	\$656,934.97	12/10/10	TOWN PAYABLES
77P	\$522,605.11	12/8/10	SCHOOL PAYROLL
78P	\$241,120.57.00	12/8/10	TOWN PAYROLL
TOTAL	\$1,420,660.65		

List of documents referred to at 12/7/2010 BOS meeting
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Sign Annual Licenses.

- Licenses to be Renewed for 2011

Energy Consolidation.

- Letter from Brian Ballantine to the BOS, dated December 3, 2010
- Town of Southborough Community Choice Power Supply Program

Annual Audit.

- Letter from Brian Ballantine and Carla McAuliffe to BOS, dated December 1, 2010
- Management letter from Bill Fraher, dated June 30, 2010
- Trend summary of key financial information

Discussion with Finance Team.

- Letter from Brian Ballantine and Carla McAuliffe to BOS dated December 2, 2010
- Q1 Revenue Comparison
- General Fund expense update
- FY12 Preliminary Budget Discussion
- Revenue Sources FY01-FY11

Other Business.

1. Letter from Max Performance to BOS, dated October 29, 2010
2. Letter of request from Police Chief Jane Moran to the BOS, dated December 1, 2010
Resume and application for employment.

Meeting adjourned at 9:25 p.m.

Respectfully submitted,
Mary H. Lowell, Recording Secretary

**BOARD OF SELECTMEN
MEETING MINUTES
December 21, 2010
MCAULIFFE MEETING ROOM**

Present: Bonnie Phaneuf, Chairman; Bill Boland, John Rooney and Jean Kitchen, Town Administrator.

The Chairman opened the meeting at 7:00 p.m.

Request extension of permanent part-time status of Reserve Officer Woodford; Accept Resignation(s) of Police Officer Lobur and Police Officer Nelson and request permission to advertise vacancy; approval to hire Jonathan Kersting as a part-time dispatcher.

- Chief Moran is still unsure when the injured officer will return to duty, so asked the Board to extend Reserve Officer Woodford's permanent part-time status, which expires on December 31, 2010. It was voted unanimously to extend the permanent part-time status of Reserve Officer Woodford for ninety days.
- Police Officers Lobur and Nelson have accepted positions with other Police Departments, and have tendered their resignations to the Southborough Police Department, effective January 5 and 3, 2011, respectively. Chief Moran would like to advertise their positions as the department is already short staffed. It was voted unanimously to authorize Chief Moran to advertise two positions to replace Officers Lobur and Nelson. The Board, and Chief Moran, thanked the officers for their service to the Town and wished them well in their new positions.
- Chief Moran asked the Board to appoint Jonathan Kersting as a part-time dispatcher. Mr. Kersting is an EMT and has dispatching experience. The Board voted unanimously to appoint Jonathan C. Kersting as a part-time Communications Officer, with a starting salary under SAP, Grade 9 at \$13.43/hour.

Police station capital needs – report from Phil Rinehart. Police Chief Moran; Fire Chief Mauro; Dave Gusmini, Building Inspector and Phil Rinehart, Facilities Manager, met with the Board to discuss repairs needed to the Police Station. Mr. Rinehart listed items that will need action within the next five years, and those that can be extended out to five to ten years. He also noted repairs that have already been done. Currently the building is "Grandfathered" under ADA and AAB as long as it stays the way it is. However, any renovations could trigger multiple code issues which will need to be addressed. It was the opinion of the study group and the BOS that Building Code Analysis should be done. Mrs. Phaneuf suggested that Harvard Primate money could be used to fund the analysis. It was voted unanimously to have a building code analysis done. In the mean time, Mrs. Phaneuf asked that they find an alternative storage area for all non-necessary items.

Karen Galligan, DPW Superintendent. Ms. Galligan reviewed the bids with the Board.

- **Award Gasoline and diesel bid.** It was voted unanimously to award the contract for gasoline to the low bidder, Noonan Brothers Petroleum, Inc., 415 West Street, West Bridgewater, MA 02379 for the Boston Low plus \$0.000, and to award the contract for diesel fuel to Noonan Brothers Petroleum, 415 West Street, West Bridgewater, MA 02379 for Boston low plus \$0.021.
- **Award Grounds contract.** It was voted unanimously to award the contract for grounds maintenance to The Groundskeeper, Inc., 72 Nickerson Road, Ashland, MA 01852, in the amount of \$89,934.00.

Reports.

Town Administrator.

The Town House will be closed on December 24, 25, and 31, 2010. The transfer Station will be closed on December 24 and 25, 2010, will close at 1:00pm on December 31, 2010 and will be closed on January 1, 2011.

Consent Agenda

1. It was voted 2-0 (Mr. Rooney abstained as he did not attend the meeting) to approve the minutes of the November 30, 2010 meeting, and voted unanimously to approve the minutes of the December 7, 2010.
2. The minutes of the December 7, 2010 Executive Session were held to a future meeting.

3. It was voted unanimously to accept a \$46,334 PILOT from New England Center for Children, of which \$6,000 is for the ladder truck. The Board thanks the NECC for their donation.
4. It was voted unanimously to accept a grant in the amount of \$1,294.23 from the Commonwealth of Massachusetts.

WARRANTS

79	\$121,298.00	12/17/10	TOWN PAYABLES
80	\$9,290.06	12/17/10	CAFETERIA
81	\$46,074.74	12/17/10	SCHOOL PAYABLES
82	\$117,695.50	12/17/10	SCHOOL PAYABLES
TOTAL	\$294,358.30		

List of documents referred to at 12/7/2010 BOS meeting
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Police Department Staffing

- Letter of request from Chief Moran.
- Letter from Chief Moran from BOS dated 9/22/10
- 12 month expense period spreadsheet
- Letter of resignation – Officer Lobur
- Letter of request from Chief Moran, dated 12/17/2010
- Letter of resignation – Officer Nelson
- Letter of request from Chief Moran, dated 12/16/2010
- Letter from Chief Moran requesting appointment of new dispatcher
- Email from Sgt. Sean James, dated 12/17/2010

Police Station repairs

- Letter to BOS from Police Chief, Building Inspector, Fire Chief and Facilities Manager, dated 10/13/2010
- Letter to Police Chief from Building Inspector, dated 10/12/2010
- Memo to Town Administrator from Facilities Manager, dated October 4, 2010
- Police Station Upgrades list
- Letter to Police Chief from Fire Chief, dated October 1, 2010
- Memo from Police Chief
- Photos of existing conditions in Police Station

Bid Awards

- Gasoline bid list
- Diesel fuel bid list
- Grounds maintenance bid list and bids

Consent Agenda

1. November 30, 2010 and December 7, 2010 minutes
3. Letter from New England Center for Children
4. Letter from Fire Chief

At 7:50 p.m. it was voted by roll call vote (Mrs. Phaneuf – aye, Mr. Boland – aye, Mr. Rooney – aye) to enter into executive session to discuss collective bargaining, and not return to open session.

Respectfully submitted,

Mary H. Lowell, Recording Secretary